

**Fifth Technical Amendment to the
PROGRAMMATIC AGREEMENT
AMONG
THE FORT BLISS GARRISON COMMAND and
THE NEW MEXICO STATE HISTORIC PRESERVATION OFFICER and
THE TEXAS STATE HISTORIC PRESERVATION OFFICER and
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
for the
MANAGEMENT OF HISTORIC PROPERTIES ON FORT BLISS, FORT
BLISS, TEXAS, UNDER SECTIONS 106 AND 110 OF THE NATIONAL
HISTORIC PRESERVATION ACT OF 1966 (AS AMENDED)**

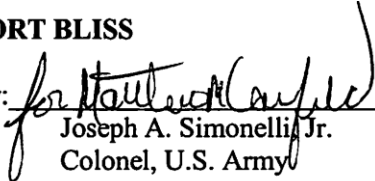
August 2011

Changes to this PA under the Fifth Technical Amendment Include the extension of the PA for one additional year and language that indicates that once a new PA is signed, this one becomes terminated.

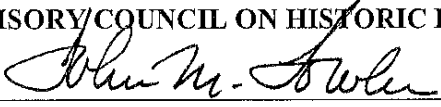
Changes are made to “**XXII TERM OF THIS PA**” to read:

“This PA takes effect upon last signature date and will remain in effect thereafter for six (6) years. Upon consultation with, and agreement by, other parties of this PA, it may be extended, amended, or terminated at the end of six years. Fort Bliss will initiate consultation on a new Programmatic Agreement within year six. Once all parties have agreed to and signed the new PA, this PA will be terminated.”

FORT BLISS

By:  Date: 6 Oct 2011
Joseph A. Simonelli Jr.
Colonel, U.S. Army
Garrison Commander

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By:  Date: 10/14/11
John Fowler
Executive Director

NEW MEXICO STATE HISTORIC PRESERVATION OFFICER

By: Jan Biella Date: 17 Aug 2011
Jan Biella
State Historic Preservation Officer (Interim)

TEXAS STATE HISTORIC PRESERVATION OFFICER

By: Mark Wolfe Date: 8/18/11
Mark Wolfe
State Historic Preservation Officer

**Fourth Technical Amendment to the
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HISTORIC PRESERVATION ACT OF 1966 (AS AMENDED)**

November 2010

Changes to this PA under the Fourth Technical Amendment include the following items. As this is a technical amendment to the SOP's of Attachment A, this does not require formal amendment of the terms of the PA per "Stipulation XX. Amendment."

Changes made at this time affect:

Figure 1: Section 106 Flow Chart

SOP #1.1 Identifying Undertakings

SOP #1.3 policy

SOP #1.4 Implementing Procedures

SOP #1.4.1 Notification of Potential Undertakings

SOP #2.4.2 Fort Bliss Exempted Undertakings

SOP #4.4.2 Evaluation

SOP #4.4.2.1.2 Establish the Historic Context of the Cultural Resource

SOP #4.4.2.1.3 Determine Whether the Cultural Resource is Significant under the NRHP's Criteria.

SOP #4.4.2.1.5 Evaluated the Cultural Resource's Integrity

SOP #5.2 Objectives

SOP #5.3.1 Existing Maneuver Areas in Texas and Dona Ana in New Mexico

SOP #5.3.2 McGregor Range Maneuver

SOP #5.4 Implementing Procedures

SOP #7.4.3 Consultation/Mitigation

SOP #7.4.3.3 Archeology

SOP #9.3 Policy

SOP #9.4.2 Notification for Actions for which an Environmental Assessment or Environmental Impact Statement is Not Prepared.

SOP #9.7 Annual Review and Monitoring

SOP #9.8 Review Past Undertakings

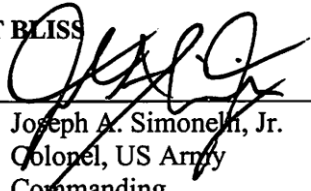
SOP #10.3.1 Inadvertent Discovery of Archeological Materials

SOP #11.5.1 Archeological Sites

SOP #11.5.3 Aboveground Properties

Attachment B, new version of RHPC
Attachment C.2, change to introduction


FORT BLISS

By:  Date: 20 July 2011
Joseph A. Simonelli, Jr.
Colonel, US Army
Commanding

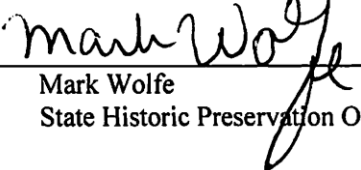
ADVISORY COUNCIL ON HISTORIC PRESERVATION

By:  Date: 6/2/11
 John Fowler
Executive Director

NEW MEXICO STATE HISTORIC PRESERVATION OFFICER

By:  Date: May 16, 2011
Jan Biella
State Historic Preservation Officer (Interim)

TEXAS STATE HISTORIC PRESERVATION OFFICER

By:  Date: 6/8/11
Mark Wolfe
State Historic Preservation Officer

**Second Amendment to the
PROGRAMMATIC AGREEMENT
AMONG
THE FORT BLISS GARRISON COMMAND and
THE NEW MEXICO STATE HISTORIC PRESERVATION OFFICER and
THE TEXAS STATE HISTORIC PRESERVATION OFFICER and
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
for the
MANAGEMENT OF HISTORIC PROPERTIES ON FORT BLISS, FORT
BLISS, TEXAS, UNDER SECTIONS 106 AND 110 OF THE NATIONAL
HISTORIC PRESERVATION ACT OF 1966 (AS AMENDED)**

FEBRUARY 2008

Change to this PA under the Second Amendment is replacing “Historic Preservation Officer” by “Cultural Resources Manager” throughout the stipulations and the Attachment in order to bring the terminology in line with Army Regulations. Stipulation XX Amendment has been changed to read:

Other changes made at this time affect:

Figure 1: Section 106 Flow Chart

SOP #2.4.1 Army-Wide Exempted Undertakings

SOP #4.4.1.2.3.2 Site Definition

SOP #4.4.1.2.3.3 Forms

SOP #4.4.1.2.3.5 Artifacts

SOP #4.4.1.2.3.10 (and following SOPs where appropriate): Change “Directorate of Environmental (DOE)” to “Directorate of Public Works, Environmental Division-Conservation Branch (DPW-E).”

SOP #7.4.3.3 Archeology.

SOP #11.5.1 Archeological Sites, second bullet


Attachment C, C.2 Activities that Qualify as Undertakings

Attachment C, C.2, Site Work

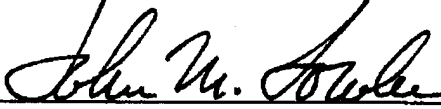
Attachment C, C.2 Windows

Attachment C, C.2, Interiors
Attachment C, C.2, Electrical/Plumbing/HVAC
Attachment C, C.2, Deconstruction and Demolition (removed in its entirety)
Attachment D, D.1 Acronyms
Attachment D, D.2 Definitions

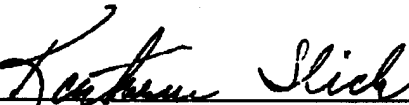
FORT BLISS

By:  Date: APR 21 2008
Robert T. Burns
Colonel, U.S. Army
Garrison Commander

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By:  Date: 6/25/08
John Fowler
Executive Director

NEW MEXICO STATE HISTORIC PRESERVATION OFFICER

By:  Date: 1 May 2008
Katherine Slick
New Mexico State Historic Preservation Officer

TEXAS STATE HISTORIC PRESERVATION OFFICER

By:  Date: June 3, 08
F. Lawrence Oaks
Texas State Historic Preservation Officer

**First Amendment to the
PROGRAMMATIC AGREEMENT
AMONG
THE FORT BLISS GARRISON COMMAND AND
THE NEW MEXICO STATE HISTORIC PRESERVATION OFFICER AND
THE TEXAS STATE HISTORIC PRESERVATION OFFICER AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
FOR THE
MANAGEMENT OF HISTORIC PROPERTIES ON FORT BLISS,
FORT BLISS, TEXAS, UNDER SECTIONS 106 AND 110 OF THE
NATIONAL HISTORIC PRESERVATION ACT OF 1966 (AS AMENDED)**

April 2007

XXI. TERMINATION

Any party to this PA may terminate it by providing thirty (30) days notice to the other parties, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that will avoid termination. In the event only one SHPO elects to terminate, the PA will terminate in that state but remain in effect with the remaining parties in the other state. In the event that both SHPOs elect to terminate, Fort Bliss will consult with the ACHP and the New Mexico and Texas SHPOs to either develop a new program alternative or to comply with 36 CFR Part 800 for each undertaking.

Only Stipulation XXI: Termination of the PA is subject to this amendment, all preamble and other stipulations remain in affect and unchanged. Other changes made at this time affect SOP 1.4.1; SOP 2.4.1; SOP 2.4.2; SOP 3.3; SOP 4.4.1.2.2; SOP 4.4.1.2.3.2; SOP 4.4.2.1.4; SOP 4.4.2.1.5; SOP 4.4.2.1.7; SOP 8.2; SOP 11.2; SOP 11.3 SOP 11.5.2; SOP 11.5.3.2; SOP 14.4.2.1; SOP 14.4.2.3 and Attachment B. Execution and implementation of this amendment to the PA evidence the fact that Fort Bliss has afforded the ACHP an opportunity to comment on this program, and that Ft Bliss has taken into account the effects of the program on historic properties.

FORT BLISS, TEXAS


By: _____

R. T. Burns
Robert T. Burns
Colonel, U.S. Army
Garrison Commander

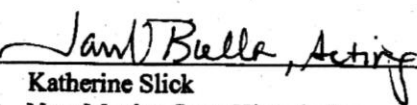
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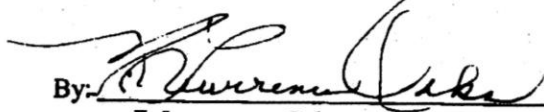
ADVISORY COUNCIL ON HISTORIC PRESERVATION

By:  Date: 7/31/07
John Fowler
Executive Director

NEW MEXICO STATE HISTORIC PRESERVATION OFFICER

By:  Date: 7/13/07
for Katherine Slick
New Mexico State Historic Preservation Officer

TEXAS STATE HISTORIC PRESERVATION OFFICER

By:  Date: 06-28-07
F. Lawrence Oaks
Texas State Historic Preservation Officer

**PROGRAMMATIC AGREEMENT
AMONG
THE FORT BLISS GARRISON COMMAND AND
THE NEW MEXICO STATE HISTORIC PRESERVATION OFFICER AND
THE TEXAS STATE HISTORIC PRESERVATION OFFICER AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
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MANAGEMENT OF HISTORIC PROPERTIES ON FORT BLISS,
FORT BLISS, TEXAS, UNDER SECTIONS 106 AND 110 OF THE
NATIONAL HISTORIC PRESERVATION ACT OF 1966 (AS AMENDED)**

WHEREAS, the Fort Bliss Garrison Command (Fort Bliss), pursuant to the National Historic Preservation Act of 1966 (as amended) (NHPA) and Army Regulation 200-4: Cultural Resources Management has determined that day-to-day military activities on Fort Bliss have the potential to impact historic properties; and

WHEREAS, the Army Campaign Plan implements Army Transformation and proposed modifications to land use may impact historic properties; and

WHEREAS, military undertakings may affect existing buildings, structures, sites, landscapes, ranges, etc. on lands under Fort Bliss management; and

WHEREAS, Fort Bliss in consultation with the New Mexico and Texas State Historic Preservation Officers (SHPO) has selected to develop and implement this Programmatic Agreement (PA) to guide management of historic properties and meet NHPA Section 106 of the NHPA responsibilities on Fort Bliss; and

WHEREAS, the Advisory Council on Historic Preservation (ACHP) was notified (April 12, 2006) and responded (April 19, 2006) with intent to participate and was consulted with on the development of this PA; and

WHEREAS, the Mescalero Apache and the Ysleta Del Sur Pueblo (Tigua) were invited (April 13, 2006, May 8, 2006 and May 9, 2006) to consult on the development of this PA; and

WHEREAS, neither the Mescalero Apache or the Ysleta Del Sur Pueblo expressed an interest in participating in the development of this PA; and

WHEREAS, the El Paso Historic Landmark Commission, the El Paso Preservation Alliance, the Preservation Texas, City of Socorro CLG, and the El Paso County Historical Society, Inc. were invited (April 13, 2006) to consult on the development of this PA; and

WHEREAS, the City of Socorro (April 27, 2006) and the El Paso County Historical Society, Inc. (May 5, 2006) expressed interest in participating and were consulting in the development of this PA; and

WHEREAS, the El Paso Historic Landmark Commission, the El Paso Preservation Alliance and the Preservation Texas did not express an interest in consulting on the development of this PA; and

NOW, THEREFORE, Fort Bliss, ACHP, New Mexico SHPO, and Texas SHPO agree that management of historic properties as required by NHPA Section 106 of the NHPA and 36 CFR Part 800 on Fort Bliss shall be implemented in accordance with the following:

STIPULATIONS

Fort Bliss will ensure that the following stipulations are implemented:

I. DETERMINING IF ACTION IS AN UNDERTAKING

Fort Bliss' Cultural Resources Manager (CRM) will determine whether proposed actions are undertakings as defined by 36 CFR Part 800 in accordance with Standard Operating Procedure #1, Attachment A of this PA. If the CRM determines action is not an undertaking the action will receive no further attention. If it is determined that the action is an undertaking, then the CRM will further evaluate the project under Stipulation II.

II. DETERMINING IF PROPOSED UNDERTAKING IS EXEMPT FROM FURTHER 106 REVIEW

Fort Bliss' CRM will evaluate proposed undertakings to determine whether they may be undertakings without the potential to affect historic properties (as defined in 36 CFR 800.3(a)) or exempted undertakings following Standard Operating Procedure #2 in Attachment A of this PA or is an activity that will be reviewed by Fort Bliss without SHPO or ACHP review (Attachment C of this PA). If the CRM determines that the undertaking qualifies as an exempted undertaking, no further consideration will be given to the undertaking. A list of undertakings exempt from SHPO review is provided in Attachment C of this PA. If the proposed undertaking does not qualify as an exempted undertaking, the CRM will further evaluate the undertaking under Stipulation III.

III. DEFINING OF AREA OF POTENTIAL EFFECT (APE)

Fort Bliss' CRM will define the Area of Potential Effect (APE) for each undertaking in accordance with Standard Operating Procedure #3 in Attachment A of this PA. APEs for all undertakings will be documented. Once the APE is defined, the undertaking will be further evaluated under Stipulation IV.

IV. IDENTIFYING AND EVALUATING HISTORIC PLACES

Fort Bliss' CRM will conduct necessary surveys to inventory APE to identify and evaluate historic properties that may exist in accordance with Standard Operating Procedure #4 in Attachment A of this PA. Findings of eligibilities will be submitted to the appropriate SHPO for a 30-day review. If a finding of eligibility affects Tribal interests, the finding will be submitted to

the appropriate Tribal Historic Preservation Officer (THPO) and federally recognized Tribes (Tribes) for a 30-day review. The appropriate SHPO, THPO and Tribes will be provided a copy of the Record of Historic Properties Consideration (see Attachment B) on determinations of eligibility for concurrence. If eligible historic properties are identified, the CRM will proceed to Stipulation VI.

V. SURVEY STRATEGY FOR CHANGING MISSION ON MCGREGOR RANGE AND THE CHANGE IN LAND USE ON TRAINING AREAS

The objective of this stipulation is to provide an appropriate program by which archeological survey and site evaluation will be conducted to accommodate the change in the military mission on Fort Bliss. Fort Bliss' CRM will implement a survey sampling strategy of 30 percent of all unsurveyed land on McGregor Range, excluding Otero Mesa. Fort Bliss will survey and evaluate historic properties in accordance with Standard Operating Procedure #5 in Attachment A of this PA. Individual project reports will be submitted to the New Mexico SHPO for 30-day review and comment on the CRM's finding of eligibility and will not be submitted as part of the Annual Report.

VI. ASSESSING EFFECTS

The CRM will assess effects that undertakings may have on historic properties under Stipulation VI. Assessment of project effects will fulfill 36 CFR Part 800.5 by following Standard Operating Procedure #6 in Attachment A of this PA. The CRM will document findings of No Historic Properties Affected or No Adverse Effect per Stipulation IX and no further action on that undertaking is required under this PA. If the CRM determines an undertaking will have a finding of an Adverse Effect, further evaluation of the undertaking will occur under Stipulation VII. Further opportunities for review will occur in the Annual Report (see Stipulation XIII and SOP #13 in Attachment A of this PA).

VII. RESOLUTION OF ADVERSE EFFECTS

It is Fort Bliss' policy to avoid adverse effects to historic properties under its management, to the extent possible while meeting mission needs. If adverse effects occur, Fort Bliss will apply best management practices to consider all options to avoid or limit impacts to historic properties. If, after applying best management practices, avoidance is not an option, the CRM will address mitigation of the effect as provided for under Standard Operating Procedure # 7 found in Attachment A of this PA to fulfill 36 CFR Part 800.5. If mitigation is not feasible, the CRM will document this under Stipulation VIII. The SHPO(s) ability to comment on findings of effects is through the NEPA process (see Stipulation IX and SOP #9 in Attachment A of this PA). Further opportunities for review will occur in the Annual Report (see Stipulation XIII and SOP #13 in Attachment A of this PA).

VIII. DOCUMENTING ACCEPTABLE LOSS

Fort Bliss decision-making process is conditioned by fulfillment of 36 CFR Part 800 and other Stipulations of this PA. Unless these have been met, documenting acceptable loss cannot be

undertaken. Prior to implementing this Stipulation, the CRM must document why treatment of adverse effects cannot be achieved. Use of this Stipulation by Fort Bliss should be rare, as other mechanisms for compliance with Section 106 under this PA will reduce the need to make acceptable loss determinations. A cost associated with mitigation is not justification for use of this Stipulation. If the CRM determines that this Stipulation must be used, Standard Operating Procedure #8 in Attachment A of this PA will be followed.

IX. REVIEWING AND MONITORING IN ACCORDANCE WITH NEPA

The New Mexico and Texas SHPOs, federally recognized tribes, and interested members of the public will continue to participate in the process of reviewing and commenting on Fort Bliss undertakings with the potential to affect historic properties in accordance with the NEPA process. Participation shall occur in accordance with NEPA procedures and where no NEPA documentation is prepared, through the availability of the RHPC (Attachment B). The CRM will redact the confidential locational information contained in the RHPC when provided to the public. The CRM will follow Standard Operating Procedure #9 in Attachment A of this PA to insure appropriate stakeholder consultation in the NEPA process.

X. ACCIDENTAL DISCOVERY OF HISTORIC PROPERTIES

The objectives of this Stipulation are to have procedures in place in the event of accidental discovery of archeological materials. This can apply to both previously recorded and new sites and to archeological sites in any part of Fort Bliss. If an archeological site or a property of traditional religious and cultural importance is accidentally discovered, the CRM will insure that Standard Operating Procedure #10 in Attachment A of this PA is followed. Additionally, the stipulations and guidelines outlined in the Fort Bliss NAGPRA policy will be followed.

XI. REPORTING DAMAGE TO HISTORIC PROPERTIES: BUILDINGS, SITES, LANDSCAPES, DISTRICTS, OBJECTS, ETC.

Routine military training activities at Fort Bliss and the operation and maintenance of Fort Bliss facilities pose a risk of unintentional damage to properties that are or may be eligible for inclusion in the National Register of Historic Places. If such damage occurs the CRM will follow Standard Operating Procedure #11 in Attachment A of this PA.

XII. PUBLIC INVOLVEMENT IN THE FORT BLISS CULTURAL RESOURCES MANAGEMENT PROGRAM

Various provisions of federal law, codified regulations and Army regulations require that interested members of the public have access to the decision-making processes and the results of historic preservation and environmental management undertaken at the public expense (see 36 CFR Part 800, AR 200-1, AR 200-2, AR 200-4). The CRM will ensure that Fort Bliss follows Standard Operating Procedure #12 in Attachment A of this PA.

XIII. ANNUAL REPORT

The CRM is required to provide an annual report to interested members of the public, the New Mexico and Texas SHPOs, and the ACHP. In addition to the annual report, Fort Bliss will provide all necessary documents and data for ARMS in New Mexico and TARL in Texas for all archaeological surveys, evaluations and mitigations conducted during the year. If this report is not prepared, Fort Bliss will be required to comply with the provisions of 36 CFR Part 800 of the National Historic Preservation Act beginning 30 days after report due date unless otherwise arranged with signatories of this PA for each individual undertaking at Fort Bliss that has the potential to affect historic places. The CRM will follow Standard Operating Procedure #13 in Attachment A of this PA to meet this requirement.

XIV. DISPUTE RESOLUTION

It is Fort Bliss policy to address all disputes in a professional manner and with the objective of reaching mutual agreement on dispute resolutions through meaningful consultation with objecting parties. Consultation needs to begin in the planning and preparation and review of this PA to limit disputes after implementation. If a dispute occurs, the CRM will follow Standard Operating Procedure #14 in Attachment A of this PA to resolve the dispute.

XV. MILITARY ACTIVITIES IN ANTICIPATION OF IMMEDIATE DEPLOYMENT, MOBILIZATION OR ARMED CONFLICT

Fort Bliss will proceed with undertakings required to support mobilization and training required in anticipation of immediate deployment, mobilization, or armed conflict without prior review of these activities by the SHPOs or the ACHP. The Fort Bliss CRM or other appropriate Fort Bliss cultural resources professional with appropriate security clearance will conduct an internal review following Standard Operating Procedure #15 in Attachment A of this PA.

XVI. TRIBAL INTERESTS

If at anytime during the life of this PA the Mescalero Apache, the Ysleta Del Sur Pueblo or any other federally recognized Tribe expresses interest in participating in this PA, Ft Bliss will enter into consultation with them to address concerns. This PA may be amended per Stipulation XX to reflect these concerns with the Tribe as a signature. A SOP to address how government-to-government consultation will be conducted may be developed if a Tribe expresses interest in participating in this PA and requests such to be developed.

XVII. ARCHAEOLOGICAL SITE CONFIDENTIALITY

The confidentiality of the nature and location of archaeological resources is provided for in 32 CFR Part 229.18 and further provided for in 36 CFR Part 800.11 pursuant to Section 304 of the National Historic Preservation Act and Section 9(a) of the Archeological Resources Protection

Act (ARPA). Information regarding the nature and location of any archaeological resource may not be made available without the permission of the CRM. The CRM may release information concerning the location of any archaeological site if:

- A. It is determined that such disclosure would further the purposes of research or the “Archaeological and Historic Preservation Act of 1960” (16 U.S.C. § 469-469c) and not create a risk of harm to such resources or to the site at which such resources are located, or
- B. The Governor of New Mexico or Texas has submitted to Fort Bliss CRM a written request for information concerning the archaeological resources within the requesting Governor’s State. The request must include the purpose for which the information is sought, and provide a written commitment to adequately protect the confidentiality of the information, or
- C. Those in decision making positions on Fort Bliss that may require the information for planning purposes that have a written policy in place to provide confidentiality of the information as provided for in 32 CFR Part 229.18 and approved by the CRM.

XVIII. STAFF QUALIFICATIONS

All survey, evaluation, treatment and excavation work required to meet Stipulations of this PA will be carried out under the supervision of a person who meets the minimum standards as identified in the *Secretary of the Interior’s Professional Qualification Standards* (48 FR 44716) as appropriate for the historic properties being addressed. The Fort Bliss CRM is the responsible person on behalf of the Garrison Commander for meeting the stipulations of this PA. Responsibilities may be delegated to appropriately qualified staff to address the cultural resource under consideration. If the CRM does not meet the qualifications as defined by the Secretary of the Interior’s Professional Qualifications Standards, then qualified staff members will fulfill the responsibilities.

The CRM will include a list of Fort Bliss professionals who participated in implementation of this PA during the previous and current fiscal years in each PA annual report. The list will include a description of each professional’s current responsibilities.

XIX. FISCAL REQUIREMENTS AND SOURCES

The stipulations of this PA are subject to the provisions of the Anti-Deficiency Act (31 USC, Section 1341) and availability of funds. If compliance with the Anti-Deficiency Act alters or impairs the ability of Fort Bliss to implement the stipulations of this PA, Fort Bliss will consult pursuant to sections XX and XXI below. The responsibility of Fort Bliss to carry out all other obligations under this PA that are not the subject of the deficiency will remain unchanged.

XX. AMENDMENT

Any signatory may propose to other signatories that the terms of the PA be amended, whereupon all signatories will consult to consider such an amendment. Any such amendment will go into effect on the date a copy of the PA is signed by all of the signatories and filed with the ACHP.

Any signatory may propose to the other signatories that a revision be made to Attachment A. Where the revision does not require a change to the terms of the PA, that revision will not require an amendment to the PA. Any such revision will go into effect upon the written agreement (as expressed in formal correspondence) by all the signatories; Fort Bliss will make the date of the approval of the revision a footer on Attachment A and provide copies of the revised Attachment A to all signatories.

XXI. TERMINATION

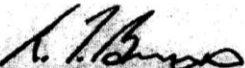
Any party of this PA may terminate it by providing thirty (30) days notice to the other parties, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that will avoid termination. In the event of termination, Fort Bliss will consult with the ACHP and the New Mexico and Texas SHPOs to determine how to carry out its responsibilities under NHPA Section 106 in a manner consistent with applicable provisions of 36 CFR Part 800.

XXII. TERM OF THIS PA

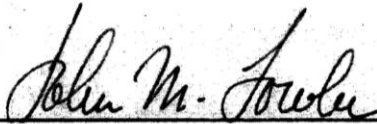
This PA takes effect upon last signature date and will remain in effect thereafter for six (6) years. Upon consultation with and agreement by other parties of this PA, it may be extended, amended, or terminated at the end of six years. Fort Bliss will initiate consultation on a new Programmatic Agreement within year six. Once all parties have agreed to and signed the new PA, this PA will be terminated.

Execution and implementation of the terms of this PA evidence the fact that Fort Bliss has afforded the ACHP an opportunity to comment on this program, and that Fort Bliss has taken into account the effects of the program on historic properties.

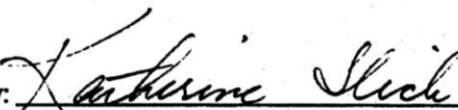
FORT BLISS, TEXAS

By:  Date: 20010823
Robert T. Burns
Colonel, U.S. Army
Garrison Commander


ADVISORY COUNCIL ON HISTORIC PRESERVATION

By:  Date: 9/17/05
John Fowler
Executive Director

NEW MEXICO STATE HISTORIC PRESERVATION OFFICER

By:  Date: 08/31/06
Katherine Slick
New Mexico State Historic Preservation Officer

TEXAS STATE HISTORIC PRESERVATION OFFICER

By:  Date: AUG 31, 2006
F. Lawrence Oaks
Texas State Historic Preservation Officer

ATTACHMENT A: STANDARD OPERATING PROCEDURES

TABLE OF CONTENTS

I. Standard Operating Procedure #1: Identifying Undertakings.....	21
1.1 Applicability.....	21
1.2 Objective.....	21
1.3 Policy.....	21
II. Standard Operating Procedure #2: Exempted Undertakings.....	24
2.1 Applicability.....	24
2.2 Objective.....	24
2.3 Policy.....	24
2.4 Implementing Procedures.....	24
III. Standard Operating Procedure #3: Defining the Area of Potential Effect (APE).....	27
3.1 Applicability.....	27
3.2 Objective.....	27
3.3 Policy.....	27
3.4 Implementing Procedures.....	27
IV. Standard Operating Procedure #4: Identifying and Evaluating Historic Properties.....	29
4.1 Applicability.....	29
4.2 Objective.....	29
4.3 Policy.....	29
4.4 Implementing Procedures.....	32
V. Standard Operating Procedure #5: Survey Strategy for the Changing Mission on Fort Bliss and the Change In Land Use on Training Lands.....	44
5.1 Applicability.....	44
5.2 Objectives.....	44
5.3 Policy.....	44
5.4 Implementing Procedures.....	44
VI. Standard Operating Procedure #6: Assessing Effects.....	46
6.1 Applicability.....	46
6.2 Objective.....	46
6.3 Policy.....	46
6.4 Implementing Procedures.....	46
6.5 Emergency Actions.....	48
VII. Standard Operating Procedure #7: Resolution of Adverse Effects.....	49
7.1 Applicability.....	49
7.2 Introduction.....	49
7.3 Policy.....	49
7.4 Implementation Procedures.....	49
VIII. Standard Operating Procedure #8: Documenting Acceptable Loss.....	53
8.1 Applicability.....	53
8.2 Policy.....	53
8.3 Implementation.....	53
IX. Standard Operating Procedure #9: Reviewing and Monitoring Through NEPA.....	55

9.1 Applicability.....	55
9.2 Objectives.....	55
9.3 Policy.....	55
9.4 Notification of NEPA Reviews.....	56
9.5 Actions Normally Requiring an Environmental Assessment.....	57
9.6 Actions Normally Requiring an Environmental Impact Statement.....	58
9.7 Annual Review and Monitoring.....	58
9.8 Review Past Undertakings.....	59
9.9 Review Programmed Undertakings.....	59
9.10 Review SOPs.....	59
X. Standard Operating Procedure #10: Accidental Discovery of Historic Properties.....	61
10.1 Applicability.....	61
10.2 Objectives.....	61
10.3 Policy.....	61
XI. Standard Operating Procedure #11: Reporting Damage to Historic Properties.....	63
11.1 Applicability.....	63
11.2 Objectives.....	63
11.3 Introduction.....	63
11.4 Policy.....	63
11.5 Procedure.....	63
XII. Standard Operating Procedure #12: Public Involvement in the Fort Bliss Cultural Resources Management Program.....	66
12.1 Applicability.....	66
12.2 Introduction.....	66
12.3 SHPO and ACHP Rights and Responsibilities.....	66
12.4 Policy.....	66
12.5 Implementing Procedures.....	67
XIII. Standing Operating Procedure #13: Annual Report.....	69
13.1 Applicability.....	69
13.2 Introduction.....	69
13.3 Policy.....	69
13.4 Implementation.....	69
XIV. Standard Operating Procedure #14: Dispute Resolution.....	72
14.1 Applicability.....	72
14.2 Introduction.....	72
14.3 Policy.....	72
14.4 Implementation.....	72
XV. Standard Operating Procedure #15: Military Activities in Anticipation of Immediate Deployment, Mobilization or Armed Conflict.....	75
15.1 Applicability.....	75
15.2 Objectives.....	75
15.3 Policy.....	75
15.4 Implementing Procedures.....	75
ATTACHMENT B: RECORD OF HISTORIC PROPERTIES CONSIDERATION	77
ATTACHMENT C: ACTIVITIES REVIEWED BY FORT BLISS REQUIRING NO SHPO OR ACHP REVIEW.....	78

C.1 Non-Undertaking Activities	78
C.2 Activities that Qualify as Undertakings	75
Site Work.....	78
Roofs.....	80
Exterior.....	80
Doors.....	80
Windows.....	80
Interiors.....	81
Electrical/Plumbing/HVAC.....	82
Energy Conservation.....	82
Maintenance.....	82
<i>ATTACHMENT D: ACRONYMS/DEFINITIONS.....</i>	<i>84</i>

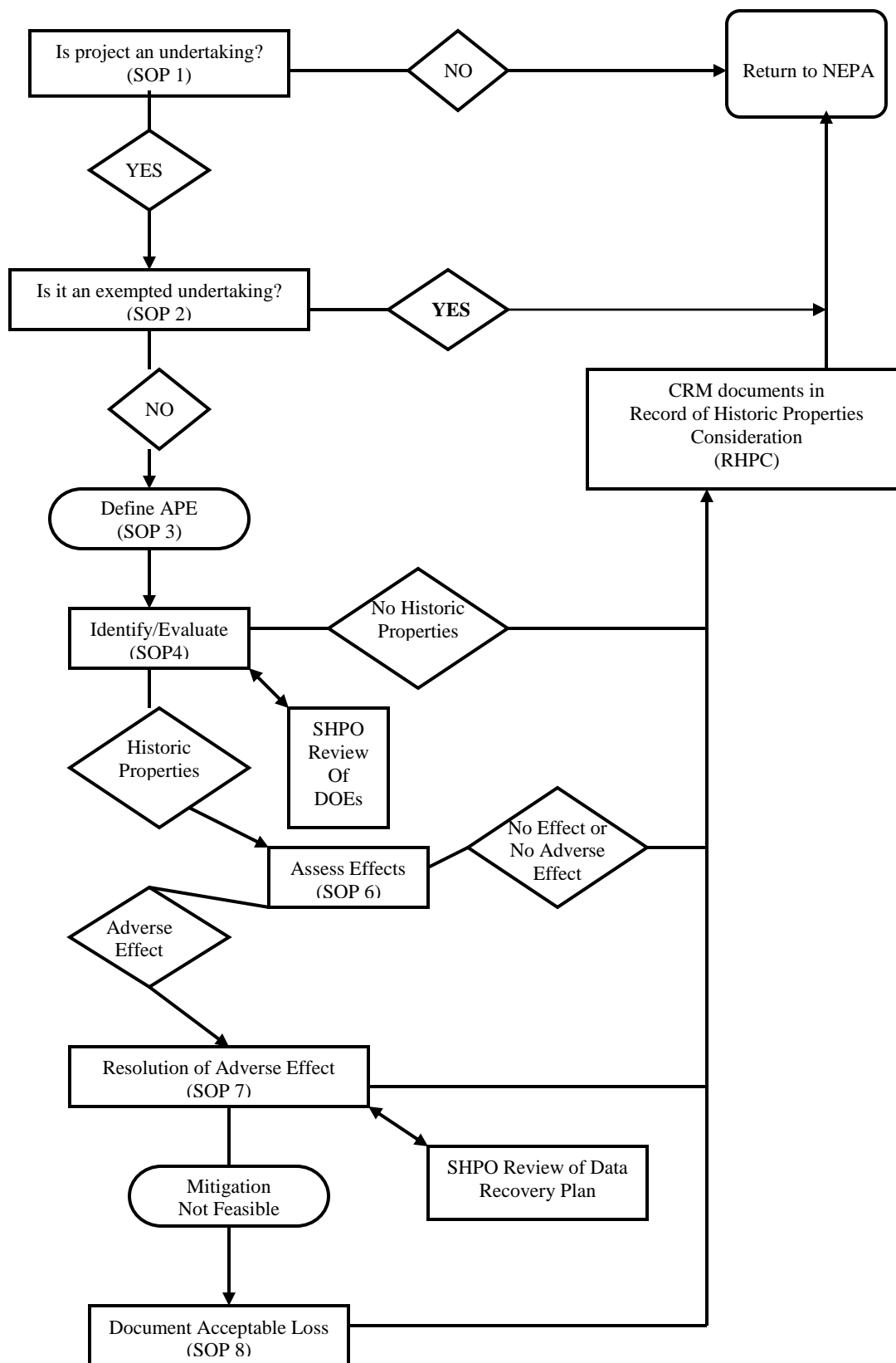


Figure 1: Section 106 Compliance Flowchart

I. CRM Standard Operating Procedure #1

Identifying Undertakings

1.1 Applicability

This SOP applies to all organizations, property, and activities under the control of the Department of the Army and located within the boundaries of Fort Bliss or other contiguous land under Fort Bliss control. It also includes activities undertaken on behalf of the Army or with consent of the Army, or as a result of consent of the Army by contract, lease, or interservice support agreement or other instrument to which Fort Bliss, the United States Army, or the Department of Defense is a party, within Fort Bliss or other contiguous land under Fort Bliss control. This also applies to Fort Bliss undertakings on lands administered by other agencies, where it is agreed that Fort Bliss is the lead on the Section 106 responsibilities.

1.2 Objective

The objective of this SOP is to lay out a process to be followed to determine if an action is an undertaking subject to Section 106 review.

1.3 Policy

It is Fort Bliss policy to have the Cultural Resources Manager (CRM) or designated representative to review all undertakings for potential to affect historic properties. To this end, it is the CRM's responsibility to identify which actions are undertakings as defined by 36 CFR Part 800 through following this SOP.

1.4 Implementing Procedures

An "undertaking" is defined under this PA as "a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of Army, including those carried out by or on behalf of Army, those carried out in whole or in part with Army funds, and those requiring Army approval" (36 CFR Part 800.16(y)). The CRM shall evaluate projects to determine if they meet this definition.

Fort Bliss undertakings may take the form of projects, work orders, contractor actions, permits, leases, Army actions, and other activities as defined above. Undertakings may originate with the Directorate of Public Works, infrastructure maintenance contractors, military construction (MILCON), project proponents, and other entities. If another Defense Department command or Federal agency is involved with Fort Bliss in an undertaking, Fort Bliss and the other agency may mutually agree that the other agency may be designated as the lead Federal agency. In such cases, undertakings will be reviewed by the lead agency in accordance with 36 CFR Part 800.

Tenant organizations must coordinate with Fort Bliss to obtain up-to-date cultural resource information. Undertakings conducted by or for Army tenants with funding appropriated from the tenant organization are the responsibility of the tenant; likewise, compliance with this PA with

these undertakings is the responsibility of the tenant unless Fort Bliss has assumed that responsibility on their behalf.

1.4.1 Notification of Potential Undertakings

The CRM shall be notified of potential undertakings early in the planning process, whether or not they appear to impact historic properties. The majority of projects that have the potential to affect historic properties are generated either through work orders or military construction (MILCON) requests. Work orders tend to cover repair and maintenance needs under \$200,000. MILCON projects tend to be new projects or major repair/maintenance actions over \$200,000. Projects may also be generated by direct congressional appropriations for identified purposes.

Work orders are reviewed by the CRM as they are generated by proponents. Proponents of these shall provide the CRM with a detailed description of the project or activity, site location, and a point of contact. The CRM will prepare a Record of Historic Properties Consideration (RHPC) (see Attachment B) on each work order that is an undertaking and is not an Army-wide exempted undertaking as identified in SOP #2. This RHPC will be made part of the project administrative record. Work orders do not become projects until after review and funding has been put towards it. Once a work order becomes an undertaking, it is subject to this PA.

Range Scheduling and Digging Permits also provide notice of potential undertakings. Range scheduling is accomplished through the online Range Facility Management Support System (RFMSS). All training requests are reviewed by the CRM for any potential to affect historic properties. In most cases historic properties are avoided through that CRM review; for more complex training scenarios, or new scenarios, a more extensive review may be required by NEPA. Historic properties will be avoided or adverse effects mitigated for all concentration areas of troops or vehicles, such as fixed sites, bivouac areas, tan hull downs, etc. Free maneuver will be conducted in those areas that are designated for that type of training and periodic monitoring will be done to assess any adverse effects to sites as a result of that maneuver. Standard training exercises, such as maneuver, in areas designated for that type of training will not be documented on a RHPC; however, the discovery of any inadvertent adverse effects to eligible sites as a result of that maneuver will be documented as a damage assessment and put on a RHPC to be included in the annual report. This varies from the procedure outlined in SOP #11 as it will be submitted in the annual report rather than within 30 days of discovery. In all cases, this monitoring is subject to the stipulations of SOPs 4, 6, and 10. Although expected to be rarely used, there may be occasion where historic properties cannot be avoided or adverse effects mitigated. Under this rare occasion SOP #8 will be followed.

Proponents of MILCON projects will coordinate with the CRM to review proposed actions to determine whether they constitute an undertaking. Proponent will provide the CRM with a detailed description of the project or activity, potential site locations, schedule information or suspense dates and a point of contact. The CRM will assist the proponents in meeting requirements of this PA.

1.4.2 Determining an Undertaking

The installation's CRM will use the information provided by the proponent to determine whether the project or activity qualifies as an undertaking per 36 CFR Part 800.16(y), and if so, whether it has the potential to affect historic properties.

1. If the project does not qualify as an undertaking, no further action under this PA is required; or
2. If the project qualifies as an undertaking, continue to SOP #2.

II. CRM Standard Operating Procedure #2

Exempted Undertakings

2.1 Applicability

This SOP applies to all organizations, property, and activities under the control of the Department of the Army and located within the boundaries of Fort Bliss or other contiguous land under Fort Bliss control. It also includes activities undertaken on behalf of the Army or with consent of the Army, or as a result of consent of the Army by contract, lease, or interservice support agreement or other instrument to which Fort Bliss, the United States Army, or the Department of Defense is a party, within Fort Bliss or other contiguous land under Fort Bliss control.

2.2 Objective

The objective of this SOP is to lay out a process to be followed to determine if an undertaking is exempted from further Section 106 review.

2.3 Policy

It is Fort Bliss policy to consider health and safety issues as well as public interest in determining if undertakings may be exempted from Section 106 review. Army-wide exemptions are established by imminent threat to human health and safety in consultation with ACHP. Fort Bliss exemptions are established through what is in the public's best interest in coordination with the New Mexico and Texas State Historic Preservation Officers, Tribal Historic Preservation Officer (THPO), and Tribes.

2.4 Implementing Procedures

After a project, activity, or program has been determined to be an undertaking, the CRM shall determine if the undertaking is one of the following categorical exclusions and exempted undertakings. However, only the CRM can determine if a proposed undertaking falls into these categories. If an undertaking qualifies as a Fort Bliss exempted undertaking identified in Attachment C, the undertaking will receive no further consideration under this PA.

2.4.1 Army-Wide Exempted Undertakings

There are Army-wide exemptions identified in the Army Alternate Procedures (AAP) for undertakings where there is an imminent threat to human health and safety. Parties to this PA recognize these AAP Army Wide Exemptions and apply them to this PA as follows:

- In-place disposal of unexploded ordnance; or
- Disposal of ordnance in existing open burning/open detonation units; or
- Emergency response to releases of hazardous substances, pollutants, and contaminants; or

- Military activities in existing designated surface danger zones (SDZs); SDZs are temporary in nature and only active during training activities. The exemption will apply to designated impact and/or dud areas—areas with unexploded ordnances. SDZs are exempted only when active.

Undertakings addressed through a fully executed nationwide Programmatic Agreement or other Program Alternative executed in accordance with 36 CFR Part 800.14, NHPA Section 106 regulations, a Program Comment, or a Memorandum of Agreement will be exempt. Presently there is one Nationwide Programmatic Agreement and one Program Comment in Place. This SOP would apply to/include historic properties covered by any current and future Program Alternatives that the ACHP may approve, pursuant to 36 CFR 800.14, for Army-wide use. Program Alternatives that are presently in effect and that affects historic properties on Ft Bliss consists of:

- Program Comment for Capehart and Wherry Era (1949-1962) Army Family Housing. The Program Comment provides a one-time, Army-wide NHPA compliance action for all Capehart and Wherry Era housing for the following management actions: maintenance and repair; rehabilitation; layaway and mothballing; renovation; demolition; and transfer, sale, or lease from federal ownership.
- Nationwide Programmatic Agreement addressing World War II temporary buildings. Provides for the demolition of World War II temporary buildings without further Section 106 consultation.
- Program Comment for Cold War Era Unaccompanied Personnel Housing. The Program Comment provides a one-time, Army-wide NHPA compliance action for all Unaccompanied Personnel Housing constructed between 1946 and 1974 for the following management actions: maintenance and repair; rehabilitation; layaway and mothballing; renovation; demolition; and transfer, sale, or lease from federal ownership.
- Program Comment for World War II and Cold war Era Ammunition Storage Facilities. The Program Comment provides a one-time, Army-wide NHPA compliance action for all Ammunition Storage Facilities constructed between 1939 and 1974 for the following management actions: maintenance and repair; rehabilitation; layaway and mothballing; renovation; demolition; and transfer, sale, or lease from federal ownership.

2.4.2 Fort Bliss Exempted Undertakings.

Some areas of Fort Bliss will be exempted from archeological and properties of traditional religious and cultural importance inventory requirements during the planning period because of low site potential (e.g., located on steep slopes offering no shelter, active arroyos, active flood plains, located in area disturbed to a depth below the cultural layer, etc.) or limited potential for mission impact (i.e. no or minimal ground disturbing activities) (see Attachment C).

Designated impact areas containing unexploded, antipersonnel ordnance are off-limits to historic properties management. No access to these areas is allowed.

Undertakings addressed through a fully executed Fort Bliss Programmatic Agreement or other Fort Bliss Program Alternative executed in accordance with 36 CFR Part 800.14 and that are not subject to the stipulations of this PA are:

- Programmatic Agreement regarding the Fort Bliss Residential Communities Initiative (RCI). This agreement addresses implementation of the Army's privatization of Army Family Housing, for which the future effects on historic properties cannot fully be determined prior to approval of the undertaking
- Programmatic Agreement regarding the Army's Enhanced-Use Leasing Initiative (EUL) to lease underutilized property on Fort Bliss. This agreement addresses the implementation of the William Beaumont General Hospital Historic District EUL, for which the future effects on historic properties cannot fully be determined prior to approval of the undertaking.

Non-ordnance contaminated areas may be identified on Fort Bliss managed lands. Hazmat, restoration, and clean-up project teams will need to coordinate with the CRM to determine the need and efficacy of survey for proposed undertakings in contaminated areas. Some contaminated areas may be off limits to ground-disturbing activities, including archeological surveys. Contaminated areas, however, that do not pose an imminent threat and undertakings in these areas are not exempt from Section 106.

Decisions made through government-to-government consultation with Tribes concerning management options on properties of religious, traditional, and cultural importance are not subject to Section 106 review by the New Mexico or Texas State Historic Preservation Officer or the Advisory Council on Historic Preservation.

If an undertaking qualifies as a Fort Bliss exempted undertaking identified in Attachment C, the undertaking will receive no further consideration under this PA and no RHPC will be generated. If the undertaking does not qualify as an exempted undertaking, the CRM will proceed to SOP #3.

III. CRM Standard Operating Procedure #3 Defining the Area of Potential Effect (APE)

3.1 Applicability

This SOP applies to all organizations, property, and activities under the control of the Department of the Army and located within the boundaries of Fort Bliss or other contiguous land under Fort Bliss control. It also includes activities undertaken on behalf of the Army or with consent of the Army, or as a result of consent of the Army by contract, lease, or interservice support agreement or other instrument to which Fort Bliss, the United States Army, or the Department of Defense is a party, within Fort Bliss or other contiguous land under Fort Bliss control.

3.2 Objective

The objective of this SOP is to lay out a process to be followed to determine the appropriate Area of Potential Effect (APE) of an undertaking.

3.3 Policy

It is Fort Bliss policy to consider the direct and indirect effects an undertaking may have on historic properties; including visual impacts in the view sheds of historic properties. Prior to evaluating specific effects that undertakings may have, Fort Bliss will identify the APE. This will be the area considered for presence of historic properties that may be affected by the undertaking.

3.4 Implementing Procedures

The APE is “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such historic properties exist. The area of potential effect is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking” (36 CFR Part 800.16(d)). An APE may also consist of view sheds associated with historic districts, landscapes, sites, individual historic properties or properties of traditional religious and cultural importance.

The size of the APE is determined on a case-by-case basis by the appropriate cultural resources staff and includes in its calculation the scale and nature of the undertaking. Generally, the size of the APE will be commensurate with the size of the project, encompassing both potential direct and indirect effects. The APE for interior work on buildings that do not have the potential to affect exteriors will be only the interior of that building. Cumulative effects may also influence the final APE. Projects should also consider visual impacts when determining the APE.

To determine a project’s APE:

- Categorize the undertaking (repair and maintenance, ground-disturbing activities, etc.);

- Determine whether the effects typically associated with this category of undertaking are the expected effects for the project;
- Determine where those effects might occur in relation to the project based on anticipated effect(s). The areas where effects might occur constitute the APE;
- May consult with appropriate SHPO, THPO, and Tribe if CRM is unsure of APE boundaries or suspects other information should be considered;
- Examine the APE to determine whether the proposed undertaking is likely to affect historic properties;
- Complete this process for all potential project locations;
- Include all APE definitions on a project map, including areas of direct and indirect effect; and
- Determine whether the scope and/or nature of the undertaking might result in additional or other effects.

Once the APE is defined and documented in the Record of Historic Properties Consideration (Attachment B), the CRM will proceed to SOP #4: Identifying and Evaluating Historic Properties.

IV. CRM Standard Operating Procedure #4 Identifying and Evaluating Historic Properties

4.1 Applicability

This SOP applies to all organizations, property, and activities under the control of the Department of the Army and located within the boundaries of Fort Bliss or other contiguous land under Fort Bliss control. It also includes activities undertaken on behalf of the Army or with consent of the Army, or as a result of consent of the Army by contract, lease, or interservice support agreement or other instrument to which Fort Bliss, the United States Army, or the Department of Defense is a party, within Fort Bliss or other contiguous land under Fort Bliss control.

4.2 Objective

The objective of this SOP is to collect information about historic properties within the APE. After the resources in the APE are identified, they are evaluated for eligibility for inclusion in the National Register of Historic Places (NRHP). Not all resources will necessarily qualify for inclusion in the NRHP. NRHP eligibility is a threshold that affects subsequent management actions for the resources. Properties do not have to be formally listed in the NRHP to meet this threshold.

4.3 Policy

It is Fort Bliss policy to identify properties that are eligible for inclusion in the National Register of Historic Places or that are identified as Properties of Traditional Religious and Cultural Importance (TRCI) by THPO or Tribe and manage them to maintain the historic or cultural characteristics that make them eligible for inclusion in the NRHP or important as TRCIs. Only those properties that are eligible for inclusion or that are listed in the NRHP or are identified as TRCIs are subject to this PA.

4.4 Implementing Procedures

4.4.1 Identification

Identification studies typically include background research, field investigations, consultation, analysis, and documentation of findings. Prior to a project specific identification study, the CRM will conduct a pre-inventory analysis to determine whether additional investigation is necessary, and, if so, what type of inventory approach is appropriate.

4.4.1.1 Preliminary Analysis

The CRM will review the project area to establish whether the APE has been previously inventoried and to determine what types of historic properties are likely to be found in the APE. Background research should be conducted in preparation of survey as appropriate to the project.

Potential sources include, but are not limited to, installation files and maps; previous identification surveys; Bureau of Land Management files; New Mexico and Texas SHPO files, previously identified historic contexts for the region; and local histories. Information may also be available from local governments, Native organizations and Tribal governments, universities, and public and private groups and institutions. Resources for this review may also include, but are not limited to:

- The inventory and maps of Fort Bliss historic properties held on the GIS at Fort Bliss including planning level surveys, building inventories, maps of established historic districts and maps of archeological sites;
- Search of state site database systems, including ARMS and ATLAS.
- Any known properties of traditional religious and cultural importance.

Based on this review, the CRM will assess the project as follows:

- If the area has been investigated previously, assess the quality of any collection data. If the area has not been investigated, or if it has been investigated, but data quality is poor or conducted with old methodologies that are no longer valid with current state standards, further identification efforts will be required.
- Determine the need for additional identification based on Planning Level Survey data, and /or predictive model results, and preliminary tribal consultation on potential properties of traditional religious and cultural significance. The CRM will determine whether the collective data provides a basis for decision-making without additional identification activities:
 - Documentation of a decision not to proceed with further identification activities shall be included in the RHPC and made part of the project file; and
 - The decision shall be documented in the annual report to the consulting parties; documentation shall include the basis for the decision.

If additional identification studies are required, the appropriate tasks may include background research, field investigation, tribal consultation, analysis, and report preparation. The persons conducting identification studies and other historic properties activities shall meet professional qualifications in the appropriate discipline.

4.4.1.2 Survey

In general, there are two types of surveys: the reconnaissance survey and the intensive survey. The reconnaissance survey is a light inspection aimed at developing a general overview of an area's resources. The primary reason for a reconnaissance survey is to support background research in preparation of an intensive survey. The objective of an intensive survey is to identify completely and precisely all properties in a specified area based on a specific research design. It involves background research and a thorough inspection and documentation of all historic

properties in an area. It should provide an inventory and necessary information to evaluate properties of eligibility for inclusion in the NRHP. The requirements and methods for conducting archeological surveys on Fort Bliss are outlined in section 4.4.1.2.2 of this SOP.

As part of the research process, Fort Bliss should periodically contact the NPS or U.S. Army Environmental Center (AEC) to determine whether any nationwide historic contexts have been developed that might apply to historic properties on Fort Bliss. Similarly, the SHPOs may have a statewide context against which the historic relevance of a resource can be weighed. Fort Bliss has been proactive in developing historic contexts for resources on its installation that are specific to the history of the region and to the Army. This effort to address gaps in the literature for current and future reference should continue. However, Army funding practices does not provide for conducting historic context development beyond the borders of the installation. The CRM will consider other potential funding sources to assist in development of local and state context and will support efforts by others to develop these.

4.4.1.2.1 Requirements for Archeological Survey

A cultural resources professional with minimum qualifications as defined in 36 CFR Part 61 will supervise all archeological surveys. The installation CRM will provide general survey areas to the field archeologist who will:

- Determine final survey area: Only areas with potential to contain archeological sites in the project's APE will be surveyed. Areas that are already highly disturbed (e.g. improved areas, borrow pits, etc) and areas inaccessible to military training or other Fort Bliss undertakings (i.e. steep slopes) will be excluded. Areas that have been previously surveyed will also be excluded if existing data is determined by the CRM to be sufficient for the proposed project.
- Survey: The archaeologist will be responsible for conducting surveys and site evaluations according to the standards and procedures outlined in section 4.4.1.2.2 that follows.
- Submit report: A report will be submitted to the appropriate SHPO on the survey. For Texas, all of the information required in the CTA guidelines will be included. Survey report will include, but are not limited to:
 - A management summary
 - Project description
 - Project area description
 - Previous work/sites
 - Methods
 - Results
 - Recommendations
 - References.

4.4.1.2.2 Archeological Survey Procedures

All cultural resource surveys undertaken on Fort Bliss shall consist of comprehensive, intensive, pedestrian methods designed to identify those Historic Properties that can reasonably be detected from the surface or are exposed in profiles. The purpose of survey is to obtain accurate, descriptive field data for use in fulfilling the following SOPs. Historic properties shall include both prehistoric and historic (50 years or older) manifestations. Military debris such as bullets, cartridges, and small missile fragments shall not be recorded unless it constitutes a particular historic event or is specified in a delivery order. Historic remains shall also be recorded, including wells, tanks, fences, machinery, and ground modifications from the historic period. Modern bottles, cans, and other trash will not be inventoried, but may be noted.

4.4.1.2.2.1 Intensity. The standard distance between surveyors shall be 15 meters. Any deviations from this distance shall be justified, require prior approval by the archeological program managers, and be documented in the technical report. Obstacles that may obscure the discovery of historic properties (e.g., dense vegetation, recent alluvium, sedimentation) shall be noted and the approximate boundaries of the obstacle(s) or condition shall be indicated on the appropriate USGS quadrangle. Linear surveys shall cover a width determined appropriate by the CRM on each side of the linear undertaking being surveyed, not including previously disturbed graded or bulldozed areas.

4.4.1.2.2.2 Transect Recording Unit Survey. The preferred survey method to be used on Fort Bliss projects is the transect recording unit (TRU). Other methodologies may be used with approval of the archeological program managers. The TRU method uses a grid system configured to line up with the UTM's (NAD 83) in the area for recording materials found on survey. The survey area is divided into 15- by-15-meter cells. All cultural materials are recorded within each cell and an approved threshold is established to organize positive cells into sites based on the current Fort Bliss site criteria. All TRU survey data are collected digitally and locational data are collected using high-accuracy GPS units. Hand-held computers (i.e., PDAs, Pocket PCs, etc.) are used as field data collection units and the surveyors will develop appropriate field data collection forms and software.

4.4.1.2.3 Recordation

This section describes the standards and practices for recording archeological sites and isolated occurrences (IOs).

4.4.1.2.3.1 Site Documentation. Minimal data to be recorded include the general environmental situation, definition, and location of horizontal site boundaries; description of the location, number, and kinds of features visible from the surface; nature of artifact assemblages; density and frequency of artifacts; site integrity; potential for yielding chronometric samples (radiocarbon, dendrochronological, etc.); and paleoclimatological samples. The entire site boundary is also recorded, even if it exceeds the edge of the

survey unit. Historic sites must have all relevant historic records searched as a way of adding documentary knowledge about the site. All archeological sites must have a GPS differentially corrected, highly accurate location taken in the approximate center of the site. All site boundaries must be mapped with GPS or EDM. GPS files should be converted to ArcGIS shape file format for assimilation with the GIS dataset.

4.4.1.2.3.2 Site Definition Criteria. No quantified criteria are going to cover all possibilities. Therefore, the following general criteria will be used for defining a site:

- The physical remains of past human activity that are at least 50 years old, and one of the following.
- Ten or more artifacts of any class or type within an area 15 meters in diameter, except when all pieces appear to originate from a single source (e.g., one ceramic pot drop, one broken glass bottle, one deteriorated piece of sheet metal, etc.). The exception is discrete, single knapping episodes, which are treated as sites. Fire-cracked rock and burned caliche are not considered artifact types for purposes of this criterion, but may fall under the category of “undatable feature.”
- One or more datable archeological features with or without associated artifacts.
- Two or more undatable archeological features.
- A single undatable feature with any associated artifacts. Ten pieces of fire-cracked rock and/or burned caliche in 1 square meter is the minimum criteria for fire-cracked rock and/or burned caliche to be assigned feature status without associated feature fill
- In general, 30 meters will be the maximum distance between manifestations, beyond which the materials should be treated as spatially unrelated.

Fort Bliss archeological program managers will allow the field supervisors to assign site status to other situations outside these criteria provided a logical and reasonable argument is made in consultation with the archeology program managers.

Additionally, any IO must be completely recorded such that the data potential of that manifestation is exhausted. In the case of a single undatable feature, trowel tests must be conducted around the locus to ensure there is no associated stain or additional buried deposits. Additional documentation on the potential for subsurface deposits in that area must accompany any recording of a single undatable feature recorded as an IO.

4.4.1.2.3.3 Forms. Data required for the New Mexico or Texas state forms for survey and sites shall be obtained for each project and site. Other additional data forms for in-field analysis may be used at the investigator's discretion, with an archeological program manager's approval, or may be required by Fort Bliss in the future. Data will be compatible with the ARMS or TEXSITE/ATLAS systems. The investigator is responsible for completing all state forms and obtaining state site numbers and other numbers as needed for both New Mexico and Texas projects.

4.4.1.2.3.4 Features. All features (e.g., rooms, hearths, bins, depressions, middens, terraces, burned rock concentrations, fences, etc.) are recorded noting quantity of materials, size, shape, construction details, probable function, and any relationship to activity areas. Black-and-white and digital color photos are taken of each feature. When specified, profiles and plans views are drawn.

4.4.1.2.3.5 Artifacts

- The investigator shall confer with the archeological program managers to design and implement an approved procedure for (1) estimating the density (or range in density) of surface artifacts and (2) estimating total frequency of surface artifacts for each artifact group. This should be done on a project-by-project basis and previously approved methods are not automatically acceptable for other projects. Formal sampling procedures may include transects, quadrants, or other techniques, but the procedure shall be appropriate to the overall size and complexity of the site. To preserve the integrity of each site, artifacts shall be disturbed as little as possible during in-field analysis and returned to their pre-analysis locations, unless they are collected.
- Recording artifacts. Artifacts shall be recorded using established Fort Bliss procedures or the specific procedures established in the research design and/or work plan for that project. The archeological program managers must approve any deviations in advance.

4.4.1.2.3.6 Site Maps. A sketch map shall be prepared that depicts, minimally, the relationship of the site to nearby physiographic features and identifying landmarks, the location of each visible feature, the shape and location of artifact sampling units, activity loci, the location of the site datum, site and provenience boundaries, location of test units (including probes, auger, and trowel tests) and locations of collected artifacts. All maps must have a scale, north arrow, recorder name, date, legend/key, and source graphics (e.g., quadrangle name, DOQQ name, etc.). If remote sensing techniques are used (e.g., magnetometer, GPR, etc.) these areas must be delineated on the maps as well. The field number may be recorded on the field maps; however, LA or TARL trinomial and Fort Bliss site numbers shall be used on all final and published maps. The entire site boundary shall be recorded, even if it extends outside the survey area.

4.4.1.2.3.7 Site Depth. The investigator shall assess the potential of subsurface deposits at each site based on sound geoarcheological and/or geomorphologic argument. If the professional judgment is that a site is a surface manifestation only, a clear statement citing evidence supporting that judgment shall be provided. If the investigator believes a site contains subsurface deposits, a clear statement with supporting evidence shall be provided (e.g., strata visible in arroyo cut, results of auger tests, etc.). Auger tests, probes, trowel tests and other techniques of extremely limited nature that have minimal impact on the integrity of the site may be performed to serve as a basis for making a professional assessment of depth and extent of cultural deposits. These tests are considered a routine element of survey procedures distinct from a formal testing project.

The archeological program managers must approve all testing strategies prior to the start of fieldwork.

4.4.1.2.3.8 Site Integrity. The investigator shall assess the present condition of each site including (1) identifying the kinds of post-depositional activities that have affected the site, (2) estimating the percentage of total site affected by each kind of disturbance, and (3) indicating those portions of the site that remain intact. Investigators must identify all disturbance sources, manmade and natural. A thorough and accurate description of site integrity must be provided for each individual site investigated.

4.4.1.2.3.9 Chronometric Potential. For each prehistoric site, the investigator shall determine the potential for obtaining the following kinds of chronometric samples: (1) radiocarbon samples (how many, standard or AMS, and in what context); (2) dendrochronological samples (how many and from how many different features); (3) type seriation such as diagnostic artifacts (list kind and frequency); and (4) other current techniques as appropriate.

4.4.1.2.3.10 Site/Project Location Maps. Each site and project shall be plotted on the appropriate USGS 7.5 minute quadrangle topographic map at a 1:24000 scale. The actual boundary of each site, rather than a central point, shall be depicted, as shall the survey areas, features (hearths, fences, tanks, and other structures), IOs, and modern features (such as roads and power lines) within the project area. The complete site boundary shall be mapped, even if it falls outside the project area boundary. The complete project area must be plotted as well. When appropriate or requested by the archeological program managers, maps with background imagery should be provided. All locational data should be collected with a high-accuracy GPS, EDM, or other approved device. Each site shall be identified in an appropriate GIS system maintained by the Directorate of Public Works, Environmental Division-Conservation Branch (DPW-E).

4.4.1.2.3.11 Site Datum. A site datum will be placed during site recording unless otherwise indicated by the archeological program managers. In general, a datum should consist of a piece of rebar or other approved stake with an attached aluminum or other approved tag. The tag shall include the name of the contractor and/or investigator, date of placement, Fort Bliss project number, and state and Fort Bliss site numbers. Investigators shall not use in-house or company specific numbers on site tags.

4.4.1.2.3.12 Isolated Occurrences. Isolated occurrences (IOs) must be recorded with GPS or EDM and plotted on 1:24000 USGS quads and DOQQs as part of all survey reports. In instances where the distinction between an IO and a site is in question, the investigator shall consult with the cultural resources managers to determine the designation. Only diagnostic or unique artifacts may be collected unless special provisions have been made to accommodate a specific research interest. IOs must have

enough attribute data recorded to exhaust the data potential of the material. IOs include artifacts/features from any cultural or temporal period where those manifestations do not qualify as a site under the current criteria.

4.4.1.2.4 Requirements for Surveys of Historic Buildings and Structures.

A professional with minimum qualifications as defined in 36 CFR Part 61 for historian, architectural historian, or historic architect will supervise building and structure surveys. Survey requirements will vary depending on the scope and character of the undertaking. In many cases existing inventories will be sufficient to identify historic buildings and structures in the APE. Building and structure surveys may be conducted as needed as part of ongoing planning level survey work as well as to provide information on resources in an APE that are not sufficiently documented.

- Determine appropriate survey requirements: The CRM will determine whether in-house or external survey would be appropriate to the scope and time frame of the undertaking, and whether historic context material will need to be developed concurrently for the evaluation phase. He/she will also consider if the APE has been previously surveyed and if that survey data is adequate for the present undertaking.
- Survey: Surveys should combine site inspections with background research. Background research may include literature reviews, archival research, interviews and consultation as appropriate. Documentary research should be thorough enough to provide for the evaluation of any resources identified. The use of interviews and oral histories is encouraged to provide additional information. Site inspections should include a minimum of a sketch site plan and digital photographs of setting and exterior elevation(s) for each resource identified.
- Documentation: A report documenting the survey will be prepared to include, but not limited to: description and map of survey area(s), documented historical narrative, architectural description using the Historic American Buildings Survey (HABS) level 4 (as defined in the *Secretary of the Interior's Standards and Guidelines for Architectural and Engineering Documentation: HABS/HAER Standards*, 1990), or equivalent Historic American Engineer Record (HAER) standards as guidance, if recording a structure, photos of all resources identified, and list of sources consulted. It should also include the evaluation of significance as presented below. Maps will be digitized and submitted in a format compatible with ArcGIS. In cases of militarily sensitive properties, photos and maps may be subject to internal review and restrictions.

If no historic resources are identified within the APE of a proposed project, the CRM will document the absence of resources and the means used to determine this absence in the project file and the project can proceed without further consideration of historic resources. This finding will be documented in the Record of Historic Properties Consideration (RHPC) (Attachment B) and made part of the project file.

If historic properties are identified in the APE, the CRM will determine if these are eligible for listing in the NRHP. This finding will be documented in the RHPC and made part of the project file.

4.4.1.2.5. Specific Requirements for Inventories of Properties of Traditional Religious and Cultural Importance

Fort Bliss will consider Properties of Traditional Religious and Cultural Importance in project planning. In respect of confidentiality issues, Fort Bliss will only collect that information necessary to consider adverse effects in the planning process; this may or may not involve determining a site's eligibility for inclusion in the NRHP. Tribal consultation shall determine the level of identification effort that is merited. It should be noted that Properties of Traditional Religious and Cultural Importance may include natural settings and do not necessarily need to contain culturally modified objects/sites to be considered in the planning process.

Confidentiality: Tribes may determine that sharing information about a Property of Traditional Religious and Cultural Importance is inappropriate. In such circumstances, consideration of adverse affects in the planning process is still possible. Tribes may delineate a boundary around a significant site, which will be large enough to avoid inadvertent discovery of the property. When Army undertakings within the boundary are proposed, consultation with appropriate Tribes will be initiated to discover whether the proposed project will affect the Property of Traditional Religious and Cultural Importance. If the project will adversely affect the site, avoidance through project location modification will be explored. Where adverse affects cannot be avoided, consultation with Tribes shall determine appropriate mitigation measures.

4.4.2 Evaluation

Evaluation for eligibility is a judgment process based on established criteria and guidance developed by the National Register of Historic Places. The process relies on two key concepts: significance and integrity. Both of these thresholds must be met to establish NRHP eligibility. Understanding the historic context of a property allows reasonable judgments to be made about those thresholds. Because significance and integrity are subjective concepts, the NRHP has developed criteria for evaluation and definitions of integrity that this SOP must follow. These are provided in 36 CFR Part 60.4. While the same NRHP framework is used to evaluate historic resources, archeological resources, and Properties of Traditional Religious and Cultural Importance, evaluations will emphasize the aspects appropriate to the type of resource under consideration. For Prehistoric archeological sites, the thresholds established for eligibility on Fort Bliss are based on the document the *Significance and Research Standards for Prehistoric Archaeological Sites at Fort Bliss (Revised 2008): A design for the Evaluation, Management and Treatment of Cultural Resources (Miller et al 2008)*. In January and March 2009 Fort Bliss received concurrence from both SHPOs to fully implement the revised Significance Standards for all future NRHP evaluations and treatment for prehistoric properties. This is now a document incorporated into the Programmatic Agreement and it was agreed that it would be used for 5 years (until March 2014). At that time Fort Bliss will reenter into consultation with the SHPOs for any revisions to the program and consult on future implementation.

4.4.2.1 Procedures for Evaluation

The procedures to be followed by the CRM for evaluating a cultural resource of any type are as follows:

4.4.2.1.1. Categorize the Resource

The CRM shall determine if the cultural resource is an archeological site, Property of Traditional Religious and Cultural Importance, buildings, structure, landscape, object, district, or combination. If the property is a property of Traditional Religious and Cultural Importance, 4.4.2.1.6 should be followed.

4.4.2.1.2. Establish the Historic Context of the Cultural Resource

- The CRM shall identify the theme(s), geographical limits, and chronological periods that provide a perspective from which to evaluate the cultural resource's significance; and
- The CRM shall determine how the theme(s) within the context may be significant to the history of the local area, the state or the nation. Although it is desirable to understand local and state contexts that may apply to Fort Bliss properties, funding does not always provide for conducting such studies off base. The CRM will consider other potential funding sources to conduct such studies and support local and state efforts to fill this gap. A theme is considered significant if scholarly research indicates that it is important in American or regional history; and
- The CRM shall determine if the cultural resource type is important in illustrating the historic context. Contexts may be represented by a single cultural resource type or by a variety of types; and
- The CRM shall determine how the cultural resource illustrates the historic context through specific historic associations, architectural or engineering values, or information potential; and
 - The CRM shall determine whether the cultural resource possesses the physical features necessary to convey the aspects of prehistory or history with which it is associated(NOTE: The revised *Significance Standards* provides Historic Contexts for prehistoric archeological properties.)

4.4.2.1.3. Determine Whether the Cultural Resource is Significant under the NRHP's Criteria

The CRM shall apply the following NRHP criteria for evaluation of eligibility for inclusion in the NRHP. If the historic property meets one or more of these criteria and retains integrity, the CRM shall proceed to 4.4.2.1.4. If the resource does not meet any of the criteria or does not retain integrity, the CRM shall determine that the resource is not eligible for inclusion in the NRHP; this determination will be stated in the Record of Historic Properties Consideration and

made part of the project file. In that case, no further action is required under this PA. Determinations of Eligibilities are subject to appropriate SHPO review.

- (NOTE: The revised *Significance Standards* provides guidelines for eligibility of archeological properties.)

National Register of Historic Places Criteria for Evaluation:

“Criteria: The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. that are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. that are associated with the lives of persons significant in our past; or
- C. that embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. that have yielded, or may be likely to yield, information important in prehistory or history.

- Criterion A: Event. Under this criterion, an historic property must be associated with one or more events important in the historic context. To establish significance under this criterion:
 - determine the nature and origin of the cultural resource; and
 - identify the significant historic context with which it is associated; and
 - evaluate the historic context(s); and
 - evaluate the resource’s history to determine whether it is associated with the historic context in any important way.
- Criterion B: Person. This criterion applies to historic properties associated with individuals whose activities are demonstrably important within a local, state, or national context. The cultural resource must illustrate the person’s achievement. To determine an historic property’s significance under this criterion:
 - determine the importance of the individual; and
 - ascertain the length and nature of the person’s association with the resource and determine if there are other historic properties associated

with the individual that more appropriately represent that person's contributions.

- Criterion C: Design/Construction. This criterion applies to historic properties significant for their physical design or construction, including such elements as architecture, landscape architecture, engineering, and artwork. The historic property, to qualify, must:
 - embody distinctive characteristics of a type, period, or method of construction; or
 - represent the work of a master; or
 - possess high artistic value; or
 - represent a significant and distinguishable entity whose components may lack individual distinction.
- Criterion D: Information Potential. Historic properties may be eligible for the NRHP if they have yielded, or may be likely to yield, information important to prehistory (pre-contact) or history (post-contact).

4.4.2.1.4 Determine if the Historic Property represents a Type Usually Excluded from the National Register of Historic Places, and if so, meets any of the Criteria Considerations.

Some kinds of properties are normally excluded from NRHP eligibility. These include religious-built properties, properties that have been moved, birthplaces and graves, cemeteries, reconstructed properties and properties less than fifty years old. However, exceptions can be made for these kinds of properties if they meet one of the standard criteria in 4.4.2.1.3 above and fall under one of the seven special Criteria Considerations. Before examining the Criteria Considerations, the CRM shall determine if the historic property meets one or more of the four NRHP Criteria for Evaluation and retains integrity, and document the finding in the RHPC.

- If the historic property meets one or more of the four Criteria for Evaluation and has integrity, determine if the historic property is of a type cited in the Criteria Consideration. If it does not meet one of these types, proceed to 4.4.2.1.5.
- If the historic property is a type cited in the Criteria Considerations, the CRM must determine if the historic property meets the special requirements stipulated for that type in the Criteria Considerations. If so, the CRM shall proceed to 4.4.2.1.5. If the historic property does not meet the requirements, the CRM shall determine that the historic property is not eligible for the NRHP and document that determination in the RHPC. No further action is required under this PA on properties that are not eligible for inclusion in the NRHP.

Criteria Consideration G, properties that have achieved significance within the past fifty years, is the main criteria consideration that applies to historic properties on Fort Bliss. It is recognized that properties dating from the Cold War era (1946-1989) require evaluation under this consideration. The CRM will evaluate properties less than 50 years old from this period for their “exceptional importance” under Criteria A, B, and C to identify those that may be eligible for inclusion in the NRHP. Evaluation of Cold War era properties will be limited to exteriors only. Properties greater than 50 years old in this period will be evaluated for their significance under the three criteria.

4.4.2.1.5 Evaluate the Cultural Resource’s Integrity

In addition to significance, an historic property must possess integrity to be eligible for the NRHP. Integrity is the ability of the resource to convey its significance; to reveal to the viewer the reason for its inclusion in the NRHP. Integrity is a subjective quality, but must be judged based on how the cultural resource’s physical features relate to its significance. Seven aspects are used to define integrity. Some, if not all, should be present for the resource to retain its historic integrity: location, design, setting, materials, workmanship, feeling, and association. The CRM shall assess integrity as follows:

- The CRM will define the essential physical features that must be present for a cultural resource to represent its significance. Although not all the historic physical features need to be present, those that convey its historic identity are necessary, including those that define why and when the resource was significant. Under Criteria A and B, the resource must retain those features that made up its character or appearance during the period of its association with the important event, historical pattern, or person(s). Under Criterion C, the resource must retain most of the physical features that constitute that style or technique. Under Criterion D, integrity depends on the data requirements defined in the research design or the revised Significance Standards. The significant data contained in the historic resource must remain sufficiently intact to yield the expected important information under appropriate methodologies; and
- The CRM will determine whether the essential physical features are enough to convey significance; and
- The CRM will determine whether the cultural resource needs to be compared with similar properties (historic and non-historic). A comparison may help determine what physical features are essential to historic properties of that type; and
- The CRM will determine, based on the significance and essential physical features, which aspects of integrity are particularly vital to the cultural resource being evaluated and if they are present. For Criterion A and B, the presence of all seven aspects of integrity are the ideal, however integrity of design and workmanship may not be as important or relevant. Under Criterion C, a cultural resource must have integrity of design, workmanship, and materials. Location and setting are important for those whose design is a reflection of their immediate environment. For Criterion D, settings will be included under Criterion D for evaluating sites.

- (NOTE: The revised *Significance Standards* provide guidelines for assessing archeological site integrity.)

If the CRM determines that a cultural resource meets one or more of the four Criteria for Evaluation, integrity must be evaluated. If, upon evaluation, the CRM determines that the resource retains integrity, the resource shall be determined eligible for the NRHP and the CRM shall document finding in the RHPC and provide the appropriate SHPO with a 30 day review period for concurrence with that finding. Once SHPO concurrence is received, the CRM will proceed to SOP #6. If the CRM determines that the resource does not retain integrity, the CRM will determine that the resource is not eligible for inclusion in the NRHP. This determination will be documented in the RHPC and submitted to the appropriate SHPO for concurrence. Upon receipt of the documentation, the SHPO will respond within 30 days. If no comments are received within that time, concurrence with Ft Bliss' finding will be assumed. No further action is required under this PA for properties determined not eligible for inclusion in the NRHP. If the SHPO does not concur with Ft Bliss' finding and the two parties cannot come to agreement, SOP #14 will be followed.

4.4.2.1.6 Methods for Evaluation

In some cases, observations made during survey and recording may not be sufficient to determine the nature and extent of subsurface deposits or assess site integrity. In these cases, a formal testing program may be needed. The following outlines the general standards and procedures for subsurface testing on archeological sites:

4.4.2.1.6.1 Testing. The Environmental Division-Conservation Branch (DPW-E) may request formal limited subsurface tests (such as 1- by-1-m test units) or systematic auguring and/or shovel testing to assess subsurface deposits or aid in the design of site specific data recovery plans. Tests should determine the extent and nature of subsurface deposits, including trash middens, artifact scatters, thermal features, or salvage of obviously endangered chronometric samples (e.g., a hearth eroding from the face of an arroyo bank). Information normally gathered in the survey stage, but absent, shall be obtained during testing. Tests should limit adverse effects to potentially eligible properties while maximizing significant data collection. If a site requires extensive tests to define data recovery efforts more accurately, the investigator should include these recommendations in the management section of their report. All units and tests must be screened thru one-quarter-inch mesh or one-eighth-inch mesh as appropriate to the materials being discovered.

4.4.2.1.6.2 Test Data. Test units/locations, including auger and trowel tests, shall be plotted on site maps using GPS or EDM. When subsurface tests are performed, all soil horizons and strata shall have written descriptions using standard scientific terms. Color descriptions shall be made in Munsell terminology. All excavated features shall be recorded using basic dimensions, orientation, and depth. Profile drawings and photographs (if possible) shall be made of at least one wall of each test pit and tested

feature. Artifact descriptions, photography, and maps shall be as described under survey techniques. Upon completion of any test, units shall be restored as nearly as possible to conditions prior to excavation, except on specific instructions from the archeological program managers.

4.4.2.1.7 Determination of Eligibility for Inclusion in the National Register of Historic Places for Properties of Traditional Religious and Cultural Importance.

As previously discussed, it may not be necessary or appropriate to specifically identify and evaluate all Properties of Traditional Religious and Cultural Importance for inclusion in the NRHP. However, when this is determined to be an appropriate measure, the following guidelines will be applied. The identification, evaluation, and management of Properties of Traditional Religious and Cultural Importance require Tribal consultation and participation.

A Property of Traditional Religious and Cultural Importance is defined in the National Register Bulletin 38 as a site “eligible for inclusion in the NRHP because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community’s history, and (b) are important in maintaining the continuing cultural identity of the community.” Besides meeting these definitions, Properties of Traditional Religious and Cultural Importance must also meet one or more of the four NRHP Criteria for Eligibility and retain integrity. The statement of significance describing why a site is eligible will be based on traditional knowledge, literature reviews and archival records. Integrity is best determined by the Tribe recognizing the site’s significance.

For purposes of this PA, properties identified by Tribes to have Traditional Religious and Cultural Importance will be managed as if eligible for inclusion in the NRHP. If the identifying Tribes consent to the evaluation of such a property and it is determined eligible for inclusion in the NRHP, the appropriate SHPO will be consulted for concurrence with the finding if the Tribe identifying the property agrees to this consultation. All Properties of Traditional Religious and Cultural Importance will continue to SOP #6 to address potential effects the undertaking may have on that property.

V. CRM Standard Operating Procedure #5

Survey Strategy for the Changing Mission on Fort Bliss and the Change In Land Use on Training Lands

5.1 Applicability

This SOP applies to any land controlled by Fort Bliss, or as may be acquired or used by Fort Bliss, that may undergo a change in land use from no off-road maneuver to free off-road maneuver for wheeled and tracked vehicles.

5.2 Objectives

The objective of this SOP is to provide an appropriate program by which archeological survey and site evaluation will be conducted to accommodate the change in the military mission on Fort Bliss to free off-road maneuver for wheeled and tracked vehicles. On McGregor Range, that survey was a 30 percent sampling which has since been completed and consulted on with the New Mexico SHPO.

5.3 Policy

5.3.1 Existing Maneuver Areas in Texas and Dona Ana in New Mexico

Survey of most of the Texas and Doña Ana training areas has been completed; however, some areas that will undergo a change in land use may require additional survey. Current resources in the Doña Ana and Texas Maneuver areas will be managed through the Fort Bliss site database, GIS system, NEPA and the RFMSS process.

5.3.2 McGregor Range Maneuver

The 30% sample has been completed on McGregor Range and these areas are now open to off-road maneuver. Fort Bliss has defined three additional Off Limits areas (aka. Red Zones) and has begun to increase the density of Seibert Stakes around existing Off Limits Areas. As additional projects are conducted, Fort Bliss may add to the current inventory of Off Limits areas. The establishment of Off Limits areas is considered mitigation for the adverse effects of off road maneuver in these Training Areas per previous consultation.

5.4 Implementing Procedures

The 30 percent thresholds has been reached, and Fort Bliss continues each year for the life of this PA to endeavor to complete an additional 10,000 acres of survey (funds allowing) on McGregor Range.. These surveys will be programmed into the current Army funding mechanism and justified based on the requirements of this PA. In the event that funds are not approved for these

projects, Fort Bliss will consult with the New Mexico SHPO on a mutually acceptable alternative.

Fort Bliss has submitted the report generated for each of these survey and evaluation projects to the New Mexico SHPO for review and comment and the New Mexico SHPO has concurred with all of these projects.

VI. CRM STANDARD OPERATING PROCEDURE #6 ASSESSING EFFECTS

6.1 Applicability

This SOP applies to all organizations, property, and activities under the control of the Department of the Army and located within the boundaries of Fort Bliss or other contiguous land under Fort Bliss control. It also includes activities undertaken on behalf of the Army or with consent of the Army, or as a result of consent of the Army, by contract, lease, or interservice support agreement or other instrument to which Fort Bliss, the United States Army, or the Department of Defense is a party, within Fort Bliss or other contiguous land under Fort Bliss control.

6.2 Objective

This SOP provides for the consideration of the effect of a project on historic properties. If the CRM determines that historic properties are present within a project APE, it must be determined if the undertaking will affect those properties. Effect is defined as an alteration to the characteristics of a cultural resource that qualify it for listing in or eligible for listing in the NRHP. Based upon the evaluation of effect, the CRM will determine if there are No Historic Properties Affected or if Historic Properties are Affected.

6.3 Policy

It is Fort Bliss' policy to understand potential effects proposed undertakings may have on historic properties. Fort Bliss will manage its historic properties to minimize effects while meeting its missions.

6.4 Implementation

6.4.1 No Historic Properties Affected

If the CRM finds that there are no historic properties present or that there are historic properties present but the undertaking will not alter the characteristics of the resource that qualify it for eligibility for the NRHP, then the CRM will determine that there will be no historic properties affected. This determination will be documented in a RHPC and made part of the project file, annual report as well as in the NEPA documentations. No further action is required under this PA.

6.4.2 Historic Properties Affected

If the CRM finds that there are historic properties that may be affected by the undertaking the CRM shall determine if these effects are adverse.

6.4.2.1. Finding of No Adverse Effect

This determination is made when there may be an effect, but the effect will not be harmful to those characteristics or historic values that qualify the property for inclusion in the NRHP. This finding will be documented in the RHPC, annual report and made part of the project file as well as in the NEPA documentation. No further action is required under this PA.

6.4.2.2 Finding of Adverse Effect

This determination is made when there may be an effect, and that effect could diminish the integrity of the characteristics that qualify the property for the NRHP.

36 CFR Part 800.5(a)(1): An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics that qualify a historic property for inclusion in the National Register of Historic Places in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of an historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register of Historic Places. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.

36 CFR Part 800.5(a)(2): Adverse effects on historic properties include, but are not limited to:

- “(i) Physical destruction of or damage to all or part of the property;
- (ii) Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation and provision of handicapped access, that is not consistent with the *Secretary's Standards for the Treatment of Historic Properties* (36 CFR Part 68) and applicable guidelines;
- (iii) Removal of property from its historic location;
- (iv) Change of the character of the property's use or physical features within the property's setting that contribute to its historic significance;
- (v) Introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significant historic features;
- (vi) Neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to a Native tribe; and

- (vii) Transfer, lease, or sale of property out of Federal ownership or control without adequate and legally enforceable restrictions of conditions to ensure long-term preservation of the property's historic significance.”

When the CRM makes a finding of adverse effect, the finding will be documented in the RHPC and the procedures set forth in SOP #7 will be followed.

6.4.2.2.3 Reporting of No Historic Properties Affected and No Adverse Effect

Undertakings will be reviewed by Fort Bliss Cultural Resources professionals who meet the Secretary of the Interior's Professional Qualifications Standards (48 CFR § 44738-9). When undertakings are determined to have no effect or no adverse effect on historic properties, the appropriate SHPO will be provided an opportunity to comment either in the NEPA process (SOP #9) or through the Annual Report (SOP #13). If the SHPO does not concur with the CRM's finding, the dispute will be addressed in accordance with SOP #14, Section 14.4.2. Further discussion of undertakings that will be reviewed by Fort Bliss is presented in SOP #7 and identified in Attachment C: Activities Review by Fort Bliss Requiring No SHPO or ACHP Review. At the request of the New Mexico or Texas SHPO and Fort Bliss, the list of undertakings can be modified to include or delete items.

6.5 Emergency Actions

No requirement of this SOP shall delay immediate actions required in an emergency to protect health and human safety or avoid substantial loss of building fabric. Reasonable and prudent efforts, in coordination with the CRM, shall be made to avoid or reduce adverse effects to historic properties during the implementation of immediate emergency actions, documented in writing after the fact with documentation submitted to signatories within 30 days as notification of actions taken and included in the PA annual report addressed in SOP #13.

VII. CRM Standard Operating Procedure #7

Resolution of Adverse Effects

7.1 Applicability

This SOP applies to all organizations, properties, and activities under the control of the Department of the Army and located within the boundaries of Fort Bliss or other contiguous land under Fort Bliss control. It also includes activities undertaken on behalf of the Army or with consent of the Army, or as a result of consent of the Army by contract, lease, or interservice support agreement or other instrument to which Fort Bliss, the United States Army, or the Department of Defense is a party, within Fort Bliss or other contiguous land under Fort Bliss control.

7.2 Introduction

The Advisory Council on Historic Preservation's implementing regulations provides the definition of adverse effect in 36 CFR Part 800.5 Assessment of Adverse Effects. An adverse effect occurs when an undertaking may alter any characteristic that makes the property eligible for inclusion in the National Register of Historic Places. An adverse effect will result in the diminishment of the property's integrity (i.e., location, design, setting, materials, workmanship, feeling, or association). This SOP defines Fort Bliss policy in regards to adverse effects with the options of (1) how it will strive to avoid adverse effects, and (2) when avoidance is not possible, how it will mitigate such effects.

7.3 Policy

It is Fort Bliss' policy to avoid adverse effects to historic properties under its management to the extent possible while meeting mission needs. If adverse effects may occur, Fort Bliss will apply best management practices to consider all options to avoid or limit impacts to historic properties. If, after applying best management practices, avoidance is not an option, Fort Bliss will address mitigation of the effect as provided for under 36 CFR Part 800.6 (Resolution of Adverse Effects.)

7.4 Implementation

7.4.1 Applying Best Management Practices

If the CRM, after applying assessment of adverse effects (36 CFR Part 800.5), determines a proposed undertaking will have an adverse effect on a historic property, he or she will consult with the undertaking's implementing organization to consider options for avoiding the effects. This consultation will explore the options available for meeting the mission's needs while maintaining the qualities of the historic property that make it eligible for inclusion in the NRHP. If consultation successfully eliminates the adverse effect, the CRM will document this process in a RHPC, along with the changes made to the undertaking to bring it in compliance with a finding

of “no historic properties adversely affected,” and submit it to NEPA. The project will be summarized in the PA annual report. At a minimum, the CRM and implementing organization will consider the following options: (1) project cancellation, (2) project relocation to avoid impact to the historic property, (3) minimization of impact, and (4) project redesign to avoid adverse effect to the historic property. When undertaking proposes the demolition of a historic building, the option of adaptive reuse of that building must also be considered. Other options identified during consultation may be considered.

7.4.2 Other Options

If, after considering alternative options, it is determined that the undertaking cannot avoid an adverse effect the CRM will apply mitigation measures identified in this SOP, prepare a RHPC for submittal to NEPA and provide access to the RHPC as outlined below.

7.4.3 Consultation/Mitigation

If the CRM determines that mitigation measures identified in this SOP are not adequate for the level of effect on the historic property, a RHPC proposing appropriate mitigation measures will be prepared and submitted to NEPA. If an EA is not prepared, the RHPC will be submitted to the SHPO, THPO, Tribes, and interested parties for consultation on mitigation measures. If the project requires an EA, the SHPO, , and interested parties will have an opportunity to comment in the preparation of the EA. If the project requires an EIS, consultation with the SHPO, ACHP and interested parties will be conducted to identify appropriate mitigation measures and made part of the Record of Decision (ROD). When appropriate and in consultation with the SHPO, off-site mitigation may be considered. If the CRM and SHPO cannot reach agreement on appropriate mitigation measures, SOP #14 will provide guidance on resolution of the disagreement.

7.4.3.1 Buildings or Structures. Mitigation of adverse effects caused by proposed demolition of a building or structure will include documentation of the best example of that architectural/building or structure type on Ft Bliss following Historic American Buildings Survey (HABS) or Historic American Engineering Record (HAER), as applicable, Level 2 standards. If HABS/HAER is not interested in receiving the original documentation, photographic documentation will be done digitally in place of large format photography. If no drawings exist for the historic property type to be demolished, new drawings will be prepared following HABS/HAER standards. The CRM will maintain the original documentation with electronic copies provided to the SHPO. Interested parties will be provided copies upon written request. The CRM will relocate the Fort Bliss collection of photographs and architectural and engineering drawings for the building to the permanent publicly accessible Fort Bliss cultural resources archives.

The CRM will identify materials in the building/structure to be reused in the maintenance and repair of other historic buildings/structures on Fort Bliss. Materials identified will be removed, protected, and reused as appropriate.

When the finding of Historic Properties Adversely Affected is limited to a single building that contributes to a historic district but that effect does not threaten the eligibility of that historic district for inclusion in the National Register of Historic Places (a finding of No Historic Properties Affected on the district level), the effected building will be mitigated under standard mitigation measures identified under this section. This mitigation will be referenced in the RHPC and the annual report. When making a finding of effect for a contributing building in a district, cumulative effects to the district will be considered. If adverse affects to individual contributing elements have cumulated over time to a point where it does threaten the eligibility of the historic district, then mitigation measures will address the historic district.

Other potential mitigation measures may also be considered such as off site mitigation, development of public educational materials, spending of specific project mitigation money on preservation of a like property, etc. Other mitigation measures will be considered in consultation with the appropriate SHPO under the NEPA process as presented in SOP #9.

All actions taken under this SOP will be documented in the annual report and in the NEPA process as discussed in SOP #9.

7.4.3.2 Historic Landscapes. Mitigation of proposed demolition of historic landscapes will consist of documentation of the existing landscape following Historic American Landscape Surveys (HALS) Level 2 standards as general guidance, through existing drawings (preparation of measured drawings if there are no existing drawings addressing landscaping), digital photography, and written recordation. The CRM will maintain the original documentation with electronic copies provided to the appropriate SHPO. Interested parties will be provided copies upon written request. The CRM will relocate the Fort Bliss collection of photographs and drawings for the landscape to the permanent Fort Bliss cultural resources archives.

The CRM will identify landscape features that have the potential for reuse or relocation. The identified features will be removed and placed in temporary plantings for future use if their reuse is not immediate.

All proposed actions taken under this SOP will be made part of NEPA for comment or the RHPC will be submitted to appropriate SHPO for review and documented in the annual report.

7.4.3.3 Archeology. If an archeological site determined to be eligible for inclusion in the National Register of Historic Places, in consultation with the appropriate SHPO, is to be adversely affected by a specific undertaking or as part of the ongoing land management plan, and avoidance is not possible, Fort Bliss will develop an archaeological data recovery plan to mitigate adverse effects to archaeological sites eligible for the significant

information they contain. The plan will be developed in accordance with the ACHP's Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites, effective June 1, 1999 and consultations under this PA (including consultations on the mitigation strategies in the Significance Standards for Prehistoric Archeological Sites at Fort Bliss once completed). The archaeological data recovery plan will be submitted to the appropriate SHPO for review and comment. Comments Ft Bliss receives within 30 days of the plans submittal will be considered and applied as may be appropriate. The data recovery plan will also be submitted to the ACHP, who will review and comment on it only when specifically requested by Fort Bliss or SHPO. The appropriate SHPO will be provided copy of the finalized data recovery plan to review how Fort Bliss responded to its comments. If the appropriate SHPO does not agree with how comments were addressed, it will submit comments to ACHP per SOP #14: Dispute Resolution. If no comments are received within the 30 days, the project will continue with the understanding the SHPO has no comments. The results of all such data recovery projects will be submitted to the SHPOs and the ACHP upon completion.

In the broader management plan, with the implementation of the revised *Significance Standards* Fort Bliss may develop Programmatic Research Designs (PRD) as outlined in section B-1 of the Significance Standards. Once these have been submitted for a 30-day review with the appropriate SHPO's and tribes, Fort Bliss may use these research designs on the appropriate properties as outlined in the revised Significance Standards to conduct immediate data recovery as mitigation. The appropriate SHPO and tribes will be provided a copy of the finalized data recovery plan to review how Fort Bliss responded to its comments. If the parties do not agree with how comments were addressed, it will submit comments to ACHP per SOP #14: Dispute Resolution. If no comments are received within the 30 days, the project will continue with the understanding the SHPO has no comments. The results of all such data recovery projects will be submitted to the SHPOs and the ACHP upon completion.

If the CRM determines that mitigation is not feasible, the CRM will follow SOP #8: Documenting Acceptable Loss.

VIII. CRM Standard Operating Procedure #8

Documenting Acceptable Loss

8.1 Applicability

This SOP applies to all organizations, property, and activities under the control of the Department of the Army and located within the boundaries of Fort Bliss or other contiguous land under Fort Bliss control. It also includes activities undertaken on behalf of the Army or with consent of the Army, or as a result of consent of the Army by contract, lease, or interservice support agreement or other instrument to which Fort Bliss, the United States Army, or the Department of Defense is a party, within Fort Bliss or other contiguous land under Fort Bliss control.

8.2 Policy

The applicability of this SOP to the Fort Bliss decision-making process is conditioned by the inability of Fort Bliss to resolve adverse effects under SOP 7. Unless it can be documented that SOP 7 cannot or should not be fulfilled, application of this SOP cannot occur. Prior to implementing this SOP, Fort Bliss must document why treatment of adverse effects cannot be achieved. Use of this SOP by Fort Bliss should be rare, as other mechanisms for compliance with Section 106 under this PA will reduce the need to make acceptable loss determinations. A cost associated with mitigation is not justification for use of this SOP.

8.3 Implementation

The Garrison Commander will make acceptable loss determinations, after consulting with the CRM. These determinations will be based on weighing the need to mitigate a historic property that will be adversely affected by an installation undertaking against public interest decisions. The following examples may be applicable under this SOP:

- **Properties of Traditional Religious and Cultural Importance.** Avoidance of impacts altogether and protective measures are among the preferable mitigation measures for properties of traditional religious and cultural importance. Mitigation measures for properties of this type, which are significant to a Native American tribe, must take into consideration the expertise and wishes of the Tribe. There may be cases where a Tribe, understanding the need for a particular installation undertaking and the adverse effects that will result, may decide that mitigation measures should not be undertaken out of respect for their values. In these cases, the Garrison Commander, after consultation with the Tribe and in consideration of Tribe's views, may make a decision to forego undertaking standard mitigation measures for that property.
- **Historic Buildings.** Avoidance of impacts altogether, renovation, reuse, and leasing or transfer are among the preferable mitigation measures for historic buildings. If these measures cannot be done and it becomes necessary to demolish a historic building, mitigation usually involves recordation through

some level of HABS/HAER documentation. For Army properties constructed under standardized plans, it may not be in the public interest to further document an adequately documented property type. In these cases, the Garrison Commander may make a determination that no mitigation measures be undertaken to treat adverse effects to a historic building scheduled to be demolished.

- **Archeological Sites.** Archeological data recovery is time-consuming, and difficult to undertake, and should only be done when there is adequate justification to do so. Justification to conduct archeological data recovery is typically found in a research design or data recovery plan related to a specific archeological site. Data recovery at archeological sites should focus on gaining new information that will be useful to further understanding of past cultures, both for the public as well as archeologists, and to capture the significance of the property. This may include gathering information that can be used to verify or disprove current hypotheses regarding prehistory or history. It is the responsibility of archaeologists to adequately document the need for data recovery based on information collected to make a determination that the site is eligible for inclusion in the National Register of Historic Places. In cases of repetitive site types that offer no new information not available at other sites or already obtained, the Garrison Commander may make a determination that it is not in the public interest to conduct archeological data recovery.

After reviewing all project information and the decisions made in carrying out the SOPs of this PA, the CRM will make a recommendation to the Garrison Commander on the need to proceed with documenting acceptable loss. A package documenting the process that led to selection of acceptable loss will be prepared by the CRM. This documentation is to be submitted to consulting parties and the ACHP. This documentation package will include:

- A letter from the Garrison Commander stating the intent to document acceptable loss,
- A discussion of how Fort Bliss applied the procedures of 36 CFR Part 800 and this PA and the outcome of each of the steps of these procedures, and
- A rationale as to why treatment of adverse effects should not be considered.

The Garrison Commander will allow 30 days for NM and TX SHPOs, Tribes, THPO, and ACHP to submit comments on the documentation. At the close of the review period, the Garrison Commander, in consultation with the CRM, will consider these comments in making a final determination on the project. The Garrison Commander will notify the consulting parties and the ACHP in writing of the outcome of the review and the final decision made prior to implementing the undertaking.

IX. CRM Standard Operating Procedure #9

Reviewing and Monitoring Through NEPA

9.1 Applicability

This SOP applies to all organizations, property, and activities under the control of the Department of the Army and located within the boundaries of Fort Bliss or other contiguous land under Fort Bliss control. It also includes activities undertaken on behalf of the Army or with consent of the Army, or as a result of consent of the Army by contract, lease, or interservice support agreement or other instrument to which Fort Bliss, the United States Army, or the Department of Defense is a party, within Fort Bliss or other contiguous land under Fort Bliss control.

9.2 Objectives

The New Mexico and Texas SHPOs, federally recognized tribes, and interested members of the public will continue to participate in the process of reviewing and commenting on Fort Bliss undertakings with the potential to affect historic properties. Participation shall occur through the installation's public participation procedures as provided in 36 CFR Part 800.8: Coordination with the National Environmental Policy Act, and, where no NEPA documentation is prepared, through the RHPC (Attachment B) when addressed findings of eligibility or mitigation of Historic Properties Adversely Affected. Projects that result in findings of No Historic Properties Affected or No Historic Properties Adversely Affected are identified through the biannual report for the first two years of this PA and in the annual report after the initial two year period. The documentation used to reach these later two findings will be available for review upon request.

The National Environmental Policy Act of 1969 (NEPA), as amended, is a federal environmental statute that requires the Army to consider the effects of its proposed action on the quality of the human environment before it makes a decision to go forward with a specific course of action. Historic properties are considered elements of the human environment requiring consideration under NEPA. NEPA also directs the Army, in specified circumstances, to disclose environmental effects to the public, to seek the public's comment, and to consider those comments before proceeding. The Army's NEPA procedures are published in the Code of Federal Regulations at 32 CFR Part 651. Review and monitoring shall proceed as illustrated in Figure 2: NEPA Review Flow Chart.

9.3 Policy

The NEPA process can result in three types of review; Record of Environmental Consideration (REC), Environmental Assessment (EA), and Environmental Impact Statement (EIS). NEPA provides for categorical exclusion (CATEX) for undertakings that do not normally have a significant environmental impact. The Army's NEPA CATEXs are listed in SOP #2, Attachment C, and 32 CFR Part 651, and can only be used if the project can pass the screening criteria set forth in 32 CFR Part 651.29. A Record of Historic Properties Consideration (RHPC)

form will be prepared on all non-exempted undertakings regardless of whether it is covered by a REC, EA, or EIS. If a finding of No Historic Properties Affected or No Historic Properties Adversely Affected for an undertaking and only REC is prepared as the NEPA document, this action will be reported in the Annual Report with associated RHPC made available upon request. If an EA is prepared for the proposed undertaking, the RHPC will be made part of that document and released to the stakeholders for a 30 day comment period. If an EIS is prepared for an undertaking, the RHPC will be made part of the document and the stakeholders will be invited to participate in development of the EIS as appropriate. In all cases, comments received within the 30 day review period will be considered in the preparation of the final documentation prior to start of the undertaking.

9.4 Notification of NEPA Reviews

9.4.1 Notification for Actions for which an Environmental Assessment or Environmental Impact Statement is Prepared

Fort Bliss shall maintain a list of parties with a demonstrated interest in management of historic properties on the installation. This list shall include, among others, the New Mexico and Texas SHPOs, federally recognized Tribes, consulting parties and other interested parties.

When Fort Bliss proposes an undertaking with the potential to adversely affect a historic property, the installation, if preparing an EA or EIS, shall use the NEPA process to notify consulting parties and provide an opportunity for their participation in the process. In particular:

- If the installation initiates a public scoping process prior to preparing the EA or EIS, it will specifically notify all consulting parties on the list referenced above and request their participation.
- The EA or draft EIS shall contain information regarding the installation's efforts and methods for identification and evaluation of historic properties, assessment of effects to such properties, and proposed mitigation. The installation shall provide interested parties with electronic access to the EA or draft EIS and request their review and comment. The notification shall direct the recipient to those portions of the document relevant to historic properties.
- The installation shall review and consider all comments submitted from interested parties before finalizing an EA or EIS. For comments received on a draft EIS, the installation will specifically respond to those comments in a final EIS as necessary.

9.4.2 Notification for Actions for which an Environmental Assessment or Environmental Impact Statement Is Not Prepared.

The installation will prepare a RHPC for undertakings that have the potential to affect historic properties. If the installation proposes an undertaking that is likely to adversely affect a historic property without preparation of an EA or EIS, and thus no NEPA public participation, the installation will report this in the annual report. The RHPC will demonstrate the installation's compliance with this PA and at a minimum, briefly describe the installation's efforts and methods for identification and evaluation of historic properties, assessment of effects to such properties, and proposed mitigation. If the RHPC includes a determination of eligibility for inclusion in the National Register of Historic Places, the installation will provide the RHPC to the appropriate SHPO for a 30-day period to provide comment regarding concurrence or nonconcurrence. When a finding of eligibility addresses a property of Tribal interest, the RHPC will be provided to the THPO and Tribes for a 30-day review period.

The installation's CRM will maintain all RHPCs prepared under this SOP and list these in its annual report (see SOP #13). Copies will be provided to consulting parties upon request.

9.5 Actions Normally Requiring an Environmental Assessment

The following actions normally require preparation of an EA:

- Special field training exercises or test activities on Army land of a nature or magnitude not within the annual installation training cycle.
- Military construction, including contracts for off-post construction.
- An installation pesticide, fungicide, herbicide, insecticide, and rodenticide use program.
- Changes to established installation land use that generates impacts on the environment.
- Proposed changes in doctrine or policy that may have a potential environmental impact.
- Acquisition or alteration of, or space for, a laboratory that will use hazardous chemicals, drugs, or biological or radioactive materials.
- New weapon systems development and acquisition, including the material acquisition, transition, and release process.
- Development of an installation master plan.
- Development of natural resource management plans (land, forest, fish, and wildlife).
- Proposals that may lead to accessing Army real property.
- Field activities on land not controlled by the military. This includes firing of weapons, missiles, or lasers over navigable waters of the United State, or extending 45 meters or more above ground level in the national airspace. It also

includes joint air attack training that may require participating aircraft to exceed 250 knots at altitudes below 3,000 feet above ground level.

- Army National Guard /Operations and Maintenance projects that will impact environmental quality.
- Special field training exercises or test activities off Army or DOD property that extend into the national airspace (45 meters above the ground level).
- Changes to established airspace use that generates impacts on the environment or socioeconomic systems or creates a hazard to nonparticipants.

9.6 Actions Normally Requiring an Environmental Impact Statement

The following actions normally require preparation of an EIS:

- Significant expansion of a military facility or installation.
- Construction of facilities that have a significant effect on wetlands, coastal zones, or other areas of critical environmental concern.
- The disposal of nuclear materials, munitions, explosives, industrial and military chemicals, and other hazardous or toxic substances that have the potential to cause significant environmental impact.
- Land acquisition, leasing, or other actions that may lead to significant changes in land use.
- Realignment or stationing of a brigade or larger.
- Training exercises conducted outside the boundaries of an existing military reservation where significant environmental damage might occur.
- Major changes in the mission or facilities either affecting environmentally sensitive resources or causing significant environmental impact.

9.7 Annual Review and Monitoring

In addition to project-based NEPA reviews, Fort Bliss may also hold an annual review and monitoring meeting hosted by the Environmental Division as deemed necessary upon request of signatories. The three primary purposes of the annual review and monitoring are (1) to review past undertakings, (2) to discuss upcoming undertakings, and (3) to review the SOPs. Fort Bliss will document the annual review meeting and distribute this documentation to consulting parties after the conclusion of the meeting. No later than sixty (60) days prior to any scheduled annual review meeting, the installation's CRM will provide signatories to this PA with an annual report (see SOP 13). Consulting parties who want to see or visit particular historic properties dealt with under this PA during the review period must contact the CRM no later than twenty-one (21) days in advance of the scheduled meeting.

9.8 Review Past Undertakings

The annual report will provide a listing of all undertakings reviewed the previous year under this PA. Stakeholders may select those undertakings of interest to them for further review. The individual stakeholders determine the number of and types of undertakings that they wish to receive additional information on to understand how review of the undertakings were accomplished under this PA. For undertakings that require a determination of eligibility or that has a finding of Historic Properties Adversely Affected where the standard mitigation measures in the PA are not applicable, the documentation will be provided throughout the year and also identified in the Annual Report.

9.9 Review Programmed Undertakings

Fort Bliss will identify programmed undertakings that are scheduled, or are likely to be scheduled, for the next fiscal year and that may be anticipated beyond one year. Consulting parties will have an opportunity during the scheduled meeting (or through commenting on the annual report) to express their views over any changes needed in the methods of identification, evaluation, and treatment of historic properties likely to be affected by these undertakings. These programmed undertakings may form the basis for review during the next meeting held with consulting parties.

9.10 Review SOPs

Fort Bliss and its consulting parties will review any of the SOPs that may need to have changes made to them in order to accomplish the historic preservation goals set out in Ft Bliss' ICRMP. SOPs that do not consistently achieve the desired goals will be considered for amendment.

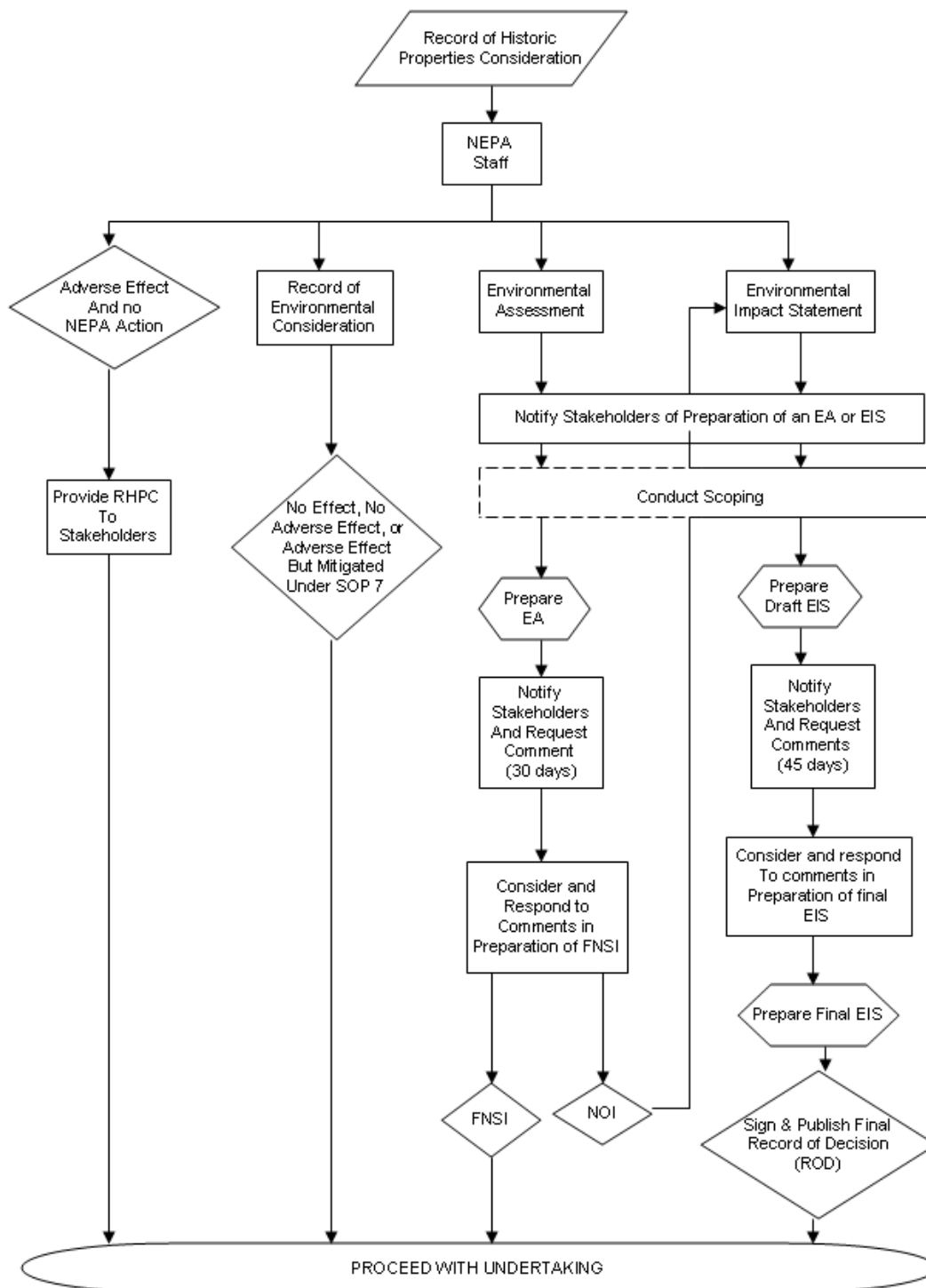


FIGURE 2: NEPA Review Flow Chart

X. CRM Standard Operating Procedure #10

Accidental Discovery of Historic Properties

10.1 Applicability

This SOP applies to all organizations, property, and activities under the control of the Department of the Army and located within the boundaries of Fort Bliss or other contiguous land under Fort Bliss control. It also includes activities undertaken on behalf of the Army or with consent of the Army, or as a result of consent of the Army by contract, lease, or interservice support agreement or other instrument to which Fort Bliss, the United States Army, or the Department of Defense is a party, within Fort Bliss or other contiguous land under Fort Bliss control.

10.2 Objectives

The objectives of this SOP are to have procedures in place in the event of accidental discovery of archeological materials. This can apply to both previously recorded and new sites and to archeological sites in any part of Fort Bliss.

10.3 Policy

10.3.1 Inadvertent Discovery of Archeological Materials

Historic and prehistoric archeological sites can be found in most areas at Fort Bliss, including the cantonment, McGregor Range, and the maneuver areas. Historic period sites can be divided into two types, military and nonmilitary, and are usually characterized by one or more of the following artifact types: glass, ceramics, metal, bricks, and wood. Prehistoric period sites usually contain ceramics (usually brownwares, both decorated and undecorated), lithic artifacts (projectile points, scrapers, worked tools, flakes, cores, manos, and metates), bone (both burned and worked implements), and/or thermally-altered rock (including burned caliche). In addition, Native American burials can be encountered anywhere on Fort Bliss. These will be indicated by the presence of large bones and/or small bones, soil stains, and grave goods such as pottery, beads, and exotic items.

- In the event of inadvertent discovery of archeological materials during a construction project or field training exercise in the maneuver areas, all work in the area affecting the materials must cease immediately.
- The conservation branch chief and/or Fort Bliss CRM must be notified immediately upon discovery of previously unknown archeological materials. The CRM and/or archeological program managers will inspect the site where archeological materials have been discovered. Documentation of the disturbance will be made, including notes and photographs.
- The CRM will consult with the State Historic Preservation Officer (SHPO) of the appropriate state and appropriate federally recognized Tribe on a course of action if the CRM determines the discovery may constitute an NRHP eligible property.

Notification will be done within two (2) working days of the discovery by fax and/or telephone. Within three (3) days, the CRM will follow this initial consultation with a letter detailing the disturbance, the location, and any necessary actions. The CRM will complete the NAGPRA process if Native American burials are encountered. A state site form (LA or TARL) will be prepared for the site(s) discovered.

- The SHPO will have two (2) working days to respond.
- If in consultation with the SHPOs treatment of the damaged site is determined necessary, the archeological program managers will prepare a treatment plan for fieldwork and submit it to the SHPO of the appropriate state (Texas or New Mexico) and appropriate federally recognized Tribes. The SHPO will have 10 days to respond. If there are no objections within the specified time, data recovery will proceed under the attached programmatic agreement.

10.3.2 Willful Destruction of Archeological Materials

The willful destruction of archeological materials is a violation of the Archeological Resources Protection Act of 1979 (as amended) and may result in a felony prosecution.

10.3.3 Native American Human Remains

In the event the find is or is suspected to be Native American human remains or funerary objects that are or may have been associated with human remains, the CRM will contact the appropriate Native American groups and comply with the requirements of NAGPRA, as applicable. Fort Bliss will follow the NAGPRA protocol in its Integrated Cultural Resource Management Plan.

XI. CRM Standard Operating Procedure #11

Reporting Damage to Historic Properties Buildings, Sites, Landscapes, Districts, Objects, etc.

11.1 Applicability

This SOP applies to all organizations, property, and activities under the control of the Department of the Army and located within the boundaries of Fort Bliss or other contiguous land under Fort Bliss control. It also includes activities undertaken on behalf of the Army or with consent of the Army, or as a result of consent of the Army by contract, lease, or interservice support agreement or other instrument to which Fort Bliss, the United States Army, or the Department of Defense is a party, within Fort Bliss or other contiguous land under Fort Bliss control.

11.2 Objectives

The objectives of this SOP are (1) to ensure damage is reported so corrective actions may be developed to avoid future unintentional damage and (2) to identify organizations and individuals responsible for intentional damage so appropriate measures can be followed. Willful violations of federal law will be treated in accordance with the SOP found in Fort Bliss' ICRMP addressing ARPA violations.

11.3 Introduction

Routine military training activities at Fort Bliss and the operation and maintenance of Fort Bliss facilities poses a risk of unintentional damage to properties that are or may be eligible for inclusion in the National Register of Historic Places. Such damage may occur through the failure of the routine administrative controls provided in Fort Bliss' ICRMP or through the failure of trainers or other personnel to confine ground-disturbing activities to the areas that have been cleared to avoid adverse effects.

11.4 Policy

Funds programmed for the implementation of this PA will not be diverted to repair or mitigate damage caused by failure to follow the provisions of the PA.

11.5 Procedure

11.5.1 Archeological Sites

When a recorded site has been damaged, Fort Bliss CRM or archeological program managers will review the site records, visit the site, assess any previous determination of National Register eligibility of the site, and the damage to the site. An updated state site form may be prepared and forwarded to the appropriate state in consultation with the SHPO.

- Where the damage is slight, not an *in situ* deposit, or not eligible for the National Register for other reasons, the archeological program managers may make a

recommendation of No Historic Properties Affected or No Adverse Effect and the CRM will report the incident in the PA annual report, or

- Where the damage is an adverse effect to a historic property the CRM will notify the appropriate SHPO verbally within 10 working days and prepare a RHPC for formal submittal. The RHPC will document the circumstances of the damage, its extent and effect along with potential mitigation measures as appropriate. This RHPC, with a transmittal letter signed by the Fort Bliss Garrison Commander, will be submitted as formal notification to the appropriate SHPO within 90 days after the Fort Bliss CRM was made aware of the damage.
- Where the site does not have a previous determination of eligibility, in consultation with the appropriate SHPO, Fort Bliss will document what remains on the site and any evidence for damaged archeological materials and report it to the SHPO. The SHPO and Fort Bliss may consult on appropriate treatment measures within 30 days of reporting the damage.

11.5.2 Native American Cultural Properties

When a property with traditional religious and cultural importance to Native Americans, has been affected in a manner contradictory to Fort Bliss Policy or its PA, the CRM will review the incident and prepare a report for the Garrison Commander documenting the impact and recommending procedures (or modifications to existing procedures) that avoid future impacts.

- The Garrison Commander will notify Native Americans that attach traditional religious and cultural importance to the affected historic properties and consult with them regarding Fort Bliss's proposed methods to address the damage. The SHPO of the state where the impact has occurred will be notified through the Annual Report, and
- The CRM will include documentation of the incident in the PA annual report, taking care to ensure that information considered confidential by Native Americans is not made available to the public or any agency or organization the Native American individual or group does not specifically indicate should receive information.

11.5.3 Aboveground Properties (Including, but not Limited to Buildings, Bridges, Landscapes, Structures, Districts, Objects, and Traditional Cultural Properties Not Associated with Native Americans)

11.5.3.1. When an aboveground property that has previously been determined eligible for inclusion in or is listed in the National Register of Historic Places, the installation historic architect with the assistance of a historian, architectural historian, ethnographer, folklorist, or landscape architect, as appropriate, will visit the property and make a determination of effect. When the aboveground property affected is 45 or more years old and has not been previously evaluated for eligibility the installation historic architect with the assistance of a historian, architectural historian, ethnographer, folklorist, or landscape architect, as appropriate, will visit the property and make an initial determination of National Register eligibility and effect.

- Where damage is slight or does not affect features that contribute to the historic significance of the property, the installation historic architect will make a determination of No Historic Properties Affected or No Historic Properties Adversely Affected, prepare a RHPC, and report the incident in the PA annual report.
- Where the damage is adverse, or demolition or partial demolition took place, and the installation historic architect finds that the property has already been found eligible or may have been eligible for the NRHP before the damage, the installation historic architect will prepare a report documenting the circumstances of the damage, its extent, and effect. This report will be submitted with a transmittal letter signed by the Fort Bliss Garrison Commander to the appropriate SHPO, THPO, and Tribes. Potential mitigation measures may be offered for consideration.

11.5.3.2. When new construction (or a modification to proposed construction that has not been reviewed in accordance with this PA) is discovered within the historic district or within the view shed, the installation historic architect will visit the site and make an initial evaluation of the impact the construction may have on the district.

- Where construction is determined not to affect the features that contribute to the historic significance of the property, the installation historic architect will make a determination of No Historic Properties Affected and will report the incident in the PA annual report, or
- Where construction is determined to have no adverse effect on historic properties, the installation historic architect will prepare a RHPC documenting the project and make available to SHPOs as part of the Annual Report, or
- Where construction is determined to have an adverse effect on historic properties, the installation historic architect will prepare a RHPC documenting the extent and effect of the impact. This report will be submitted with a transmittal letter signed by the Fort Bliss Garrison Commander to the appropriate SHPO. Potential mitigation measures may be offered for consideration.

XII. CRM Standard Operating Procedure #12

Public Involvement in the Fort Bliss Cultural Resources Management Program

12.1 Applicability

The Fort Bliss CRM is responsible for carrying out the provisions of this SOP in cooperation with the public affairs officer. Other organizations are responsible for providing information regarding undertakings for which they are the proponent, user, or implementing organization.

12.2 Introduction

Various provisions of federal law, codified regulations and Army regulations require that interested members of the public have access to the decision-making processes and the results of historic preservation and environmental management undertaken at the public expense (36 CFR Part 800, AR 200-1, AR 200-2, AR 200-4).

This SOP outlines the minimum routine measures that Fort Bliss will take to ensure such access within the implementation of the Fort Bliss ICRMP and this PA. Additional effort to determine public concerns may be required if Fort Bliss proposes undertakings that the New Mexico or Texas SHPO or the ACHP feels have the potential to have an adverse effect on Fort Bliss' historic properties. In that case, the public and interested parties will be informed of action at Fort Bliss that may affect historic properties consistent with the requirements of 36 CFR Part 800.8.

When compliance with the NEPA requires either an environmental assessment or environmental impact statement, specific requirements of that law and its implementing regulation regarding public comment must be met concurrently with or in addition to those required by this SOP (AR 200-1, AR 200-2). When Fort Bliss includes wording in its NEPA notifications to the public specifically stating that comment is also being requested to meet the Army's responsibilities under the NHPA, the resulting public participation and comment will fulfill all requirements for public participation under NHPA.

12.3 SHPO and ACHP Rights and Responsibilities

Nothing in this SOP or the PA changes the right granted under federal law or regulation or separate agreement to the Army, for the appropriate SHPO or the ACHP to issue public notice, solicit public opinion, or hold, facilitate, or participate in public meetings relative to Fort Bliss undertakings.

12.4 Policy

Fort Bliss will make research reports prepared in conjunction with this plan available to local public libraries (El Paso, Las Cruces, Alamogordo, and Fort Bliss); the University of Texas at El Paso; New Mexico State University; the University of New Mexico; the University of Texas at Austin; Texas A&M University; El Paso, Doña Ana, and Otero county historical and archeological societies; Native American groups with ties to Fort Bliss; and individuals who

have expressed an interest and granted permission to have their names and addresses retained on the Fort Bliss Conservation Division mailing list. As part of the consultation process, reports are also provided to the Texas and New Mexico SHPOs.

Reports and other compliance documents that include the exact location(s) of archeological sites or other information that, in the opinion of the CRM, might endanger the resources or are administrative in nature and have neither research value nor public interest will be released consistent with section 304 of the NHPA.

12.5 Implementing Procedures

12.5.1. Mailing Lists

The CRM will maintain mailing lists of institutions and interested individuals by area of interest and/or research concern, as listed in the policy statement above. The CRM will request assistance from the New Mexico and Texas SHPOs in identifying interested parties.

12.5.2. Reports

The CRM will send reports that have research value or are of public interest, as defined above, routinely to the ACHP, the SHPOs, appropriate state universities, and appropriate county historical and archeological societies. Brochures with notifications of technical reports availability, including a brief abstract of their contents, will be made available to others on the mailing lists according to expressed area of interest. Interested individuals/organizations may contact Fort Bliss and request the reports.

12.5.3. Mailing

The CRM will (at least twice during the implementation of this PA) send a mailing requesting the recipient verify his/her current postal or electronic mail address, reaffirm continuing interest in receiving Fort Bliss reports, and give Fort Bliss permission to have his/her name, postal or electronic mail address, and telephone number maintained in the PA database and provide his/her name, postal or electronic mail address and telephone number to the SHPO and ACHP. Those who do not respond will be deleted from the mailing list.

12.5.4. Materials of Interest

When materials (in the opinion of the CRM) will have a wider range of interest, they may be published in scholarly journals, periodicals, books, or given as papers at learned and historical societies. All materials prepared by the CRM staff will be submitted through channels to the Fort Bliss Public Affairs Officer (PAO) to ensure compliance with Army Regulation 360-5. Release of materials prepared under contract will be approved as specified in the contract. The Fort Bliss CRM will ensure that a process that meets the standards of AR 360-5 is included in the scope of work for contracts approved by Fort Bliss.

12.5.5 Cultural Resources Meetings

The CRM (and/or at his/her discretion other professional members of the cultural resources management staff) will in his/her official capacity attend meetings of local and state organizations concerned with cultural resources management issues at county and state historical and archeological societies. The CRM may speak on the status of Fort Bliss cultural resources management program. Informal presentations, including slide presentations, may be presented without prior approval of the PAO. The CRM will notify the PAO in advance of anticipated informal presentations and coordinate further if the PAO so requests. If a formal paper is given and copies are distributed, the text will be submitted to the PAO prior to the presentation to ensure the requirements of AR 360-5 are met. The CRM will inform the PAO and appropriate members of the command group of any potentially controversial issues raised during formal or informal presentations.

12.5.6 Popular Publications

The CRM and his or her staff will include the development of popular publications as companions to technical reports when project budgets allow. Fort Bliss will provide Portable Document Files (.pdf) of popular publications to individuals and organizations.

12.5.7 Web Page

The CRM will explore the potential to develop a web page that can be used to disseminate information to a broader audience on Cultural Resource materials and program.

12.5.8 PA Annual Reports

Interested parties will be provided copies of the PA annual report. Comments on the report will be requested along with identification of preservation issues of concern to them.

XIII. CRM Standing Operating Procedure #13

Annual Report

13.1 Applicability

This SOP applies to all organizations, property, and activities under the control of the Department of the Army and located within the boundaries of Fort Bliss or other contiguous land under Fort Bliss control. It also includes activities undertaken on behalf of the Army or with consent of the Army, or as a result of consent of the Army by contract, lease, or interservice support agreement or other instrument to which Fort Bliss, the United States Army, or the Department of Defense is a party, within Fort Bliss or other contiguous land under Fort Bliss control.

13.2 Introduction

This PA requires that Fort Bliss provide an annual report to interested members of the public, the New Mexico and Texas SHPOs, and the ACHP. If this report is not prepared, Fort Bliss will be required to comply with the provisions of 36 CFR Part 800 of the National Historic Preservation Act for each individual undertaking at Fort Bliss that has the potential to affect historic properties.

Submittal of the annual report to the SHPOs and the ACHP and appropriate consideration of their comments fulfills the compliance requirements with the NHPA, Section 106, for all the undertakings included in the PA.

13.3 Policy

The following documentation will be provided annually to every interested party on every mailing list maintained in accordance with this SOP and the Fort Bliss Public Affairs Office: (1) an overview describing the implementation of this PA; (2) a list of all projects that proceeded under the procedures in this PA; (3) a revised list of projects proposed for the coming year; and (4) recommendations for amending the PA, if applicable.

In addition to the documents listed above, the following information will be provided to the SHPO, THPO, Tribes and the ACHP: (1) a description of each project undertaken without complete review of the SHPO, THPO, Tribes and the ACHP, as specified in this PA, and (2) a status report on the implementation of PA SOPs, including all reports and documents specified in those SOPs for inclusion in the annual report. For projects in New Mexico, a complete NMCRIS Information Abstract will be provided.

13.4 Implementation

13.4.1. The Fort Bliss CRM will:

- Retain the original documentation of each project undertaken without formal review of the SHPO for a period of three (3) years. A summary of these will be

made part of the annual report. Original documentation will be made available to the SHPO, THPO, Tribes and ACHP, or interested parties upon written request.

- Prepare the final report and submit it, through command channels, for approval, reproduction, and release on 15 November or mutually agreed-upon date
- Annual Report will include at a minimum a listing of all undertakings reviewed for the previous year. The report will include a list of undertakings that have been consulted on with the appropriate SHPO, project-by-project during the course of the year (such as all determinations of eligibility and resolutions of Adversely effects). It will also include all those undertakings that were reviewed in-house as stipulated in the SOPs and Appendix C as broken down by:

- Determinations of Eligibility

NEPA Number/ RHPC Number	Project title	Project Description	Eligibility Finding	Date to SHPO	Report Title

- No Historic Properties Affected

NEPA Number/RHPC Number	Project title	Project Description	Date to SHPO	Report Title

- No Historic Properties Adversely Affected

NEPA Number/ RHPC Number	Project title	Project Description	Date to SHPO	Report Title

- Historic Properties Adversely Affected

NEPA Number/ RHPC Number	Project title	Project Description	Agreed upon mitigation measures	Date to SHPO	Report Title

- Damaged Properties Addressed During the Year

RHPC number	Property Affected	Project Description	Mitigation Measure Taken	Date to SHPO	Report Title

- Provide a mid-term update as required in SOP #9.7.
- May also hold an annual review and monitoring meeting hosted by the Directorate of Environment as deemed necessary as presented in SOP # 9.7 upon request of signatories.
- Consult with any objecting party to answer questions and resolve any disagreement if the objecting party has questions regarding implementation of the PA.
- When resolution regarding the disagreement cannot be met, Fort Bliss CRM will request ACHP comment within 30 days of making such a request. If no comment is forthcoming within the allotted time, it will be assumed by all parties that ACHP concurs with Fort Bliss.
- If Fort Bliss is unable to accommodate the comments of the ACHP, Fort Bliss CRM will advise IMA and HQDA of the reasons for this action and record the failure to agree in the Environmental Assessment or Environmental Impact Statement that includes the undertaking. If no NEPA compliance documentation is being prepared that includes the undertaking, Fort Bliss will consult with IMA to determine if the requirements of AR 200-1 or AR 200-2 have been met prior to proceeding with the undertaking.

13.4.2. The SHPO, THPO, Tribes and the ACHP will:

- Notify Fort Bliss by letter within 60 days of their receipt of the annual report with any comments or any requests for specific RHPCs. If there is no response within this time, it will be assumed that the annual report is acceptable.
- Participate in the consultation with any objecting party to answer questions and resolve any disagreement if the objecting party has questions regarding implementation of the PA.
- When resolution regarding the disagreement cannot be met and it is forwarded to ACHP, ACHP will comment within 15 days of such a request or requests an additional 15 days within the initial 15 days. If no comment is forthcoming within the allotted time, it will be assumed by all parties that ACHP concurs with Fort Bliss.

XIV. CRM Standard Operating Procedure #14

Dispute Resolution

14.1 Applicability

This SOP applies to all organizations, property, and activities under the control of the Department of the Army and located within the boundaries of Fort Bliss or other contiguous land under Fort Bliss control. It also includes activities undertaken on behalf of the Army or with consent of the Army, or as a result of consent of the Army by contract, lease, or interservice support agreement or other instrument to which Fort Bliss, the United States Army, or the Department of Defense is a party, within Fort Bliss or other contiguous land under Fort Bliss control.

14.2 Introduction

Preservation practice can be subjective and open for interpretation. To manage historic properties under its management and to ensure application of sound preservation practices, Fort Bliss will retain a professional cultural resource expertise that meets the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation (Federal Register Vol. 48, No. 190, Part IV, 44716-44742)*. Even so, disputes may arise in application of the criteria for properties' eligibility for inclusion in the National Register of Historic Places, finding of effects, best management practices, etc. This SOP provides Fort Bliss' policy on dispute resolution. It addresses both internal and external disputes.

14.3 Policy

It is Fort Bliss' policy to address all disputes in a professional manner and with the objective of reaching mutual agreement on dispute resolutions through meaningful consultation with objecting parties. Meaningful consultation needs to begin in the planning and preparation and review of this PA to limit disputes after implementation.

14.4 Implementation

14.4.1 Internal Disputes

Should an implementing organization object to an action recommended by the CRM under this PA, the two will meet to discuss objections and consider potential ways to resolve the dispute in meeting both mission and legal requirements. If consultation fails to resolve the dispute, both parties will seek the SJA's opinion on applicability with cultural resource laws and regulations or applicability of the PA for the disputed issue. Final dispute resolution, if necessary, will rest with the Fort Bliss Garrison Commander who will consider SJA's legal opinion in making a final decision.

14.4.2 External Disputes

Should the signatories object to any action carried out or proposed by Fort Bliss with respect to implementation of this PA, the objecting party will send its objection in writing to Fort Bliss' CRM. The CRM will consult with the objecting party to resolve the objection. If the dispute cannot be resolved through this consultation process or if other parties are affected by the dispute, Fort Bliss will consult with all signatories of this PA. Should another interested party that is not a signatory object to any action, Fort Bliss shall take the objection into account and document its consideration.

14.4.2.1 Determinations of Eligibility. If the objection between Fort Bliss and SHPO, THPO, or Tribe concerns determinations of eligibility, and if the two parties cannot reach concurrence after consultation, the CRM shall obtain a determination of eligibility from the Secretary of the Interior pursuant to 36 CFR Part 63.

14.4.2.2 Determination of Effects. If the objection between Fort Bliss and the SHPO, THPO, and/or Tribes concerns determinations of effect as addressed in the Annual Report, and if the parties cannot reach concurrence after consultation, the CRM will submit the determination of effect to the ACHP for final determination. The submittal package to the ACHP will also include all correspondence/consultation between the CRM and SHPO, THPO, and/or Tribes addressing the finding of effect. The ACHP will respond to the request for a formal determination of effect within 15 days of receipt of submittal. The ACHP may request an addition 15 days for response. Non-response by ACHP within 15 days of receipt of the submittal will constitute agreement with Fort Bliss' finding of effect. Participating parties may request amending appropriate SOPs to incorporate any changes required, based on ACHP's comments.

14.4.2.3 Disputes other than Determinations of Eligibility or Effect. For disputes centered on other parts of implementing this PA, other than findings of eligibility or effect, and where agreement cannot be reached between Fort Bliss and objecting parties, Fort Bliss will forward all documentation relevant to the dispute along with its proposed resolution to the ACHP. ACHP will exercise one of the following options within 45 days of receipt of all pertinent documentation:

- Advise Fort Bliss that ACHP concurs in the proposed final decision, whereupon Fort Bliss will respond to the objection accordingly; or
- Provide Fort Bliss with recommendations, which Fort Bliss will take into account in reaching a final decision regarding its response to the objection; or
- Notify Secretary of the Army that ACHP will comment pursuant to 36 CFR Part 800(7) (c), and proceed to comment. The resulting comment will be taken into account by Fort Bliss according to 36 CFR Part 800(7)(c)(4) and Section 110(1) of the National Historic Preservation Act.

Should the ACHP not exercise one of the above options within 45 days of receipt of all pertinent documentation, all parties shall assume ACHP's agreement with Fort Bliss's proposed response to the objection.

Fort Bliss will take into account any ACHP recommendation or comment provided by this SOP with reference only to the subject of the objection; the installation's responsibility to implement other actions under this PA that are not the subject of the objection will remain unchanged. Any changes to the PA resulting from ACHP recommendations or comments will be highlighted in the PA annual report, with such changes made part of the PA. Parties of this PA will be notified immediately of dispute resolution outcomes.

XV. CRM Standard Operating Procedure #15

Military Activities in Anticipation of Immediate Deployment, Mobilization or Armed Conflict

15.1 Applicability

This SOP applies to all organizations, property, and activities under the control of the Department of the Army and located within the boundaries of Fort Bliss or other contiguous land under Fort Bliss control. It also includes activities undertaken on behalf of the Army or with consent of the Army, or as a result of consent of the Army by contract, lease, or interservice support agreement or other instrument to which Fort Bliss, the United States Army, or the Department of Defense is a party, within Fort Bliss or other contiguous land under Fort Bliss control.

15.2 Objectives

The objectives of this SOP are to ensure the effects of military undertaking (in anticipation of deployment, mobilization, or armed conflict) on historic properties are considered and a reasonable effort is made to ensure that damage to historic properties is avoided.

15.3 Policy

Fort Bliss will proceed with undertakings required to support mobilization and training required in anticipation of immediate deployment, mobilization, or armed conflict without prior review of these activities by the SHPOs or the ACHP. The Fort Bliss CRM or other appropriate cultural resources professional with appropriate security clearance will conduct an internal review.

15.4 Implementing Procedures

15.4.1. Implementing Organization

The implementing organization will include the CRM in planning activities when an undertaking includes ground-disturbing activities, modifications to or demolition of buildings or grounds more than 45 years old, or the disposal of records connected with historic properties or unevaluated archeological sites or buildings more than 45 years old.

15.4.2. Cultural Resources Manager

The CRM will ensure the implementing organization is aware of the potential adverse effects of all courses of action on historic properties under consideration and recommend ways to avoid and reduce adverse effects.

15.4.3. Following Recommendations

The implementing organization will follow the CRM's recommendations when practical.

- If the implementing organization cannot follow the CRM's recommendation, it will provide the CRM with a summary report detailing the decision-making process and why avoiding adverse effects was not practical. The implementing organization will ensure that their next higher command is aware of the decision and include the report, along with recommendations for reducing adverse effects during future undertakings, in the after-action report.
- The CRM will include summary documentation of the undertaking(s) and their effects on historic properties in the annual report, provided no information is classified or would have the potential to affect classified actions. Projects funded will include as part of the deliverables a report describing the project.

ATTACHMENT B

RECORD OF HISTORIC PROPERTIES CONSIDERATION

Date: <u>11/3/2010</u>	State: <u>TX</u> <input checked="" type="checkbox"/> Archeology	
	<u>NM</u> <input checked="" type="checkbox"/> Architecture	
RHPC No.: <u>1</u>	<input checked="" type="checkbox"/> Archeology and Architecture	
RHPC Preparer: <u>Sitton</u>	<input checked="" type="checkbox"/> Dig Permit	

NEPA Number: <u>99-999</u>	Project Number: <u>9999</u>
Work Order No.: <u>XXXX999</u>	Bldg. Number: <u>2420</u>

Proponent: Proponent(s) Name

Project Name: Project Name

Project Description: Describe project particulars, location, timelines, etc.

Project Analysis: Describe process followed to complete review—nature of project, possible issues, research materials used, previous projects and results, any work required or already completed, etc.

Damage Report <input checked="" type="checkbox"/>	Acceptable Loss <input checked="" type="checkbox"/>
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Criteria for Evaluation

Historic Context: Summarize applicable Historic Context(s)

Criterion A: How site(s) meets the requirements under the criterion

Criterion B: How site(s) meets the requirements under the criterion

Criterion C: How site(s) meets the requirements under the criterion

Criterion D: How site(s) meets the requirements under the criterion

Criteria Considerations Apply to Property ☒

Criterion Considered: test record

Determination of Eligibility

THIS IS A DETERMINATION OF ELIGIBILITY ☒ SHPO Consultation Date: 03-Nov-10

Comments: Log Number or Tracking Number, how any comments were addressed, report title and author

Assessing Effects

THIS IS AN ASSESSMENT OF EFFECT ☒

No Historic Properties Affected ☒

Comments: Any comments to better explain findings.

Historic Properties Not Adversely Effected ☒

Comments: Any comments to better explain findings.

Historic Properties Adversely Effected ☒

Comments: Any comments to better explain findings.

Treatment of Adverse Effect

SHPO Consultation Date: 11/3/2010

Comments: How any comments were addressed; other consultation conducted, timelines, or other information.

Attachment List: maps, reports, figures, etc.

Signatures For Findings of Adverse Effect

Preparer: _____	Date: _____
CRM: _____	Date: _____

Date Closed: 11/3/2010

Wednesday, November 10, 2010 Page 1 of 2

ATTACHMENT C

ACTIVITIES REVIEWED BY FORT BLISS REQUIRING NO SHPO OR ACHP REVIEW

Fort Bliss Cultural Resources Professionals who meet the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation* will review the undertakings listed below without further SHPO review. Projects that qualify under any of the following exemptions are understood to result in No Historic Properties Affected or No Historic Properties Adversely Effected. At the request of the NM or TX SHPO, Fort Bliss, THPO, or Tribes, the following list can be considered for modification to include or delete items upon concurrence by signatories of this PA. Projects that fall under Attachment C.2 are exempt from further Section 106 action. No RHPC is prepared for exempted undertakings. Reporting of projects that fall under Attachment C.2 may occur upon request by any consulting parties and will begin at the start of the next full reporting year and continue through that year only. This will occur only once without formally requesting an amendment of stipulation II of the PA (Change approved by all parties per below).

C.1 Non-Undertaking Activities

Record of Historic Properties Considerations will not be prepared on actions that are not undertakings as defined by this section and that do not meet the definition of undertaking provided by 36 CFR Part 800.16(y).

Site Work


1. Maintenance work on existing features such as roads, fire lanes, fences, mowed areas, active disposal areas, manmade ditches, and ponds when no new ground disturbance is proposed.
2. Outdoor recreational programs on Army fee owned lands including hunting, fishing, in accordance with Fort Bliss and Army regulations, when there will be no ground-disturbance, including no off-road vehicular travel and when there are no known sites.
3. The following natural resources management activities: tree plantings, planting, maintenance of wildlife food and shrub plots and guzzlers in previously disturbed areas, and improvement of existing dry stream crossing where the depth of the undertaking will not exceed the current disturbance and/or will not impact an intact soil layer with the potential to contain cultural materials.
4. Maintenance, removal, and replacement in kind of existing landscape and plant materials when keeping with the historic character when they are dead, dying, diseased (unsalvageable), and/or pose an imminent hazard to people or structures.

 11/19/08

Advisory Council on Historic Preservation

 11/12/08
HPO-Fort Bliss

Fort Bliss

 michelle Ensay 10/23/08
Acting State Historic Preservation Officer

New Mexico State Historic Preservation Officer

 Nov 12, 2008

Texas State Historic Preservation Officer

C.2 ACTIVITIES THAT QUALIFY AS UNDERTAKINGS

All exemptions are subject to SOP #10: Accidental Discovery of Historic Properties. All exemptions apply equally to non-historic properties.

Site Work

1. Replacement of existing landscape and plant materials within the main post or range base camps with native and/or regional landscapes to conserve Fort Bliss natural resources, provided such design meets previously approved landscape design guidelines, is compatible with the building it surrounds, and does not adversely effect an NHRP-listed or eligible landscape (e.g., parade field).
2. Undertakings in previously disturbed areas to the same extent, such as bladed parking lots determined by the CRM to retain no integrity
3. Paving, repair, and in-kind replacement of streets, driveways, sidewalks, and curbing as they now exist or in existing locations unless historic materials are present. This also applies to the spreading of new gravel on existing roads and stripping of pavement.
4. Repair and replacement of existing water, sewer, natural gas, and communications lines in their present configuration and alignments and at the same depth and extent as previous disturbance.
5. Installation of traffic signs as required by law when circulation and quantity of traffic adjacent to historic properties or within a historic district will not be affected.
6. Installation of new and replacement of existing building signs in kind, when the design is compatible with the architectural character or period of significance for the building and does not adversely affect the building's historic fabric.
7. Installation of facilities to provide access to historic properties by disabled persons provided the alterations are architecturally compatible with the facility, are freestanding, and do not damage nor require removal of historic materials.
8. Temporary buildings or structures that will not have a life longer than five years and are required under activities addressed in SOP 15: Military Activities in Anticipation of Immediate Deployment, Mobilization or Armed Conflict.
9. Disturbance in an area less than one square meter, such as placement of fence posts.
10. Installation of perimeter security fencing and gates provided the design is architecturally compatible and does not require removal of historical materials.
11. Repair of existing fencing and fence screening and placement of fence screening material in existing fencing.

Roofs

1. Repair, replacement in kind, or restoration of existing roofing materials provided the color selection is specifically reviewed by the installation historic architect. Where feasible, roof replacements will be returned to their original roofing materials, details, and configurations.

Exterior

1. Refinishing of surfaces with chemically compatible materials of historic or existing color provided surface preparation meets the Secretary of the Interior's Standards.

2. Removal of deteriorated or damaged paint or coatings down to the next sound layer by hand scraping or sanding. Abrasive methods, sandblasting, and water blasting are specifically prohibited.

3. Repair of existing materials and partial replacement in kind of stucco, masonry, wood siding, trim, porch decking, porch rails, joists, columns, and stairs (including framing).

4. Repair of existing elements that are not visible or that are not character-defining features of architectural properties. The repairs will be limited to those requiring no structural modifications.

5. Installation of materials or equipment for the specific purpose of deterring bird habitat on building components provided such materials do not damage or detract from the architectural character of the building.

Doors

1. Repair of existing doors or replacement in kind when each door is separately evaluated and determined to have deteriorated beyond repair.

2. Replacement of doors shall consist of replacing with a door of original design/configuration or a compatible door (where original or historic doors are missing or have been previously replaced with a non-historic door).

3. Installation of hardware to include dead bolts, door latches and locks, window latches, locks, hinges, and door peepholes, provided historic materials are not removed. New hardware shall be of a plain, contemporary design and made of the same material as remaining historic hardware.

4. Repair or replacement in kind of existing door screens.

5. Repairs or replacement to existing non-historic doors.

Windows

1. Repair and painting of existing window frames and sashes provided no change results to the interior or exterior appearance of the window, and replacement in kind of window sashes that have deteriorated beyond repair, provided each sash is separately evaluated.

2. Adjustment of window counterweights including associated disassembly and reassembly.

3. Reglazing accidentally broken windows with clear glass of the same thickness as the broken glass.
4. Repair or replacement in kind of existing window screens and storm windows.
5. Installation of hardware to include window latches, locks, hinges, provided historic materials are not removed. New hardware shall be of a plain contemporary design and made of the same material finish as remaining historic hardware.
6. Repair, replacement or placement of window treatment such as mini-blinds and curtains.

Interiors

1. Repair of existing historic cabinetwork and cabinet hardware.
2. Replacement of kitchen and bathroom appliances, fixtures, fittings, accessories, and cabinets that are less than 45 years old with compatible items. This includes replacement of non-historic kitchen cabinets with compatible items.
3. Replacement of existing non-historic flooring, carpets, and blinds, provided that when attachment to historic materials is done in a reversible manner.
4. Repair and replacement in kind of only those portions of historic flooring that are extensively deteriorated.
5. Removal of deteriorated or damaged paint or coatings down to the next sound layer by hand-scraping or sanding. Abrasive methods, sandblasting, and water blasting are specifically prohibited.
6. Installation of fire, smoke, and security detectors, provided all effects to historic materials are reversible.
7. Interior renovation when historic materials or structural configurations are not damaged, to include spaces being renovated that have been significantly impacted within the last 45 years and no longer contribute to the significance of the building, provided the structural loading of the building will not be altered and character-defining features of the property will not be affected.
8. Purchase and installation of interior furniture/furnishings and Information Technology systems and equipment where those items will not alter or detract from those qualities that make the resource eligible for the National Register.
9. Repair of existing elements that are not visible or that are not character-defining features of architectural properties. The repairs will be limited to those requiring no structural modifications.
10. Refinishing in kind, i.e., painting surfaces with the same, or original, materials, and same, or original, color.
11. Removal and replacement of non-historic asbestos flooring and mastic providing that removal does not damage historic flooring.

Electrical/Plumbing/HVAC

1. Repair of existing electrical and plumbing fixtures and repair or replacement of existing wiring, lines, and pipes when it can be achieved without damaging other historic features or materials.
2. Repair or replacement of existing heating and cooling systems and duct work and ventilation systems when they do not contribute to the historic significance of a building, and provided the new heating and cooling systems do not alter or damage a building's historic features or materials.
3. Repair and replacement of existing electrical, power, lighting and communications lines and poles in their present configuration, same depth and same extent as previous disturbance, and alignments or when they do not contribute to the historic significance of the building
4. Repair of existing elements that are not visible or that are not character-defining features of architectural properties. The repairs will be limited to those requiring no structural modifications.
5. Improving or upgrading existing electrical and plumbing fixtures to include hot water heaters, existing wiring, lines and pipes when it can be achieved without damaging other historic features, materials or spaces.

Energy Conservation

1. Energy conservation measures that are not visible or do not alter or detract from those qualities that make the resource eligible for the National Register of Historic Places may include:
2. Modifications to heating, ventilation, and air conditioning control systems;
3. Insulation of roofs, crawl spaces, ceilings, attics, walls, floors, and around pipes and ducts (this exclusion does not include the installation of materials that induce, retain, or introduce moisture into a building);
4. Interior modification when the significance of the NRHP eligible building does not include the interior space based on the determination of eligibility;
5. Caulking and weather stripping, provided the color of the caulking and weather stripping is consistent with the appearance of the building; and
6. Replacement or modification of lighting systems when the modifications do not alter or detract from the significance of the resource.

Maintenance

1. All maintenance and repair work on elements that are not visible and do not contribute to the historic significance of the property.
2. Maintenance, repair, and rehabilitation of non-historic structures within a listed or eligible historic district or within the view shed of historic properties provided no change in the overall size, massing, appearance or color of materials results.

3. Maintenance to buildings that are less than 50 years old provided they do not qualify under the criteria consideration for properties achieving significance within the past 50 years.
4. Removal of animals, birds, insects, and their associated debris when no damage to historic materials will result.

Mothballing/Layaway

1. Mothballing of historic properties provided the action is completed in consideration of the procedures established by the NPS in Preservation Brief 31: Mothballing Historic Buildings.

New Construction

1. New construction in areas where the APE of the construction project does not include historic properties and which do not require ground disturbance (such as storage buildings built on existing slabs or other non-ground-disturbing foundations, etc.), or in previously disturbed areas.

ATTACHMENT D

ACRONYMS/DEFINITIONS

D.1 ACRONYMS

ACHP	Advisory Council on Historic Preservation
AEC	Army Environmental Center
AMS	Accelerated Mass Spectrometry
APE	Area of Potential Effect
AR	Army Regulation
ARMS	Archaeological Records Management System
ARPA	Archaeological Resources Protection Act
CATEX	Categorical Exclusion
CRM	Cultural Resources Manager
DOQQ	Digital Ortho Quarter Quad
DPW	Directorate of Public Works
DPW-E	Environmental Division-Conservation Branch
EA	Environmental Assessment
EDM	Electronic Distance Measurement
EIS	Environmental Impact Statement
EUL	Enhanced-use Leasing Initiative
GPR	Ground Penetrating Radar
GPS	Global Positioning System
HABS	Historic American Building Survey
HAER	Historic American Engineering Record
HALS	Historic American Landscape Survey
ICRMP	Integrated Cultural Resource Management Plan
IO	Isolated Occurrence
LA	Laboratory of Anthropology
MICON	Military Construction
NAGPRA	Native American Graves Protection and Repatriation Act
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act of 1966
NMCRIS	New Mexico Cultural Resources Information System
NRHP	National Register of Historic Places
PA	Programmatic Agreement
PAO	Public Affairs Officer
RCI	Residential Community Initiative
REC	Record of Environmental Consideration
RFMSS	Range Facility Management Support System
SDZ	Surface Danger Zone
SHPO	State Historic Preservation Officer
SJA	Staff Judge Advocate
SOP	Standard Operating Procedure
TARL	Texas Archaeological Research Laboratory
TCP	Traditional Cultural Property
THPO	Tribal Historic Preservation Officer

TRCI	Properties of Traditional Religious and Cultural Importance
TRU	Transect Recording Unit
USGS	U.S. Geological Society
UTM	Universal Transverse Mercator

D.2 DEFINITIONS

36 CFR Part 800. The Codified Federal Regulation implementing Section 106 of the NHPA (See Appendix B for a list of CFRs associated with cultural management resources by the Army and other federal agencies.).

Aboveground properties. Properties or portions of properties, typically buildings, structures, and landscapes that are not archeology.

Adverse effect. Includes but is not limited to the physical destruction, damage, or alteration of part or all of a property's characteristics that contribute to the property's eligibility for inclusion in the National Register of Historic Places. Examples include the introduction of elements that are out of character with the property or affect its setting, neglect resulting in deterioration or destruction of the property, and transfer, lease or sale of the property.

Advisory Council on Historic Preservation (ACHP). Established under Title 11 of the National Historic Preservation Act, as amended. The ACHP is to be afforded a reasonable opportunity to comment with regard to proposed federal, federally licensed, federally permitted, or federally assisted undertakings that may affect properties included in or eligible for inclusion in the National Register of Historic Places.

Archeological program manager. Senior staff who meet the requirements under the 1983 Secretary of Interior's *Standards and Guidelines for Archeology and Historic Preservation*.

Area of potential effect (APE). Geographic area or areas within which an undertaking may cause changes in the character or use of historic properties, if any such properties exist there. This area always includes the actual site of the undertaking, and may include other areas where the undertaking will cause changes in land use, traffic patterns, or other aspects that could affect historic properties.

Artifact. An object made or modified by human beings.

Association. The link of a historic property with a historic event, activity, or person, also, the quality of integrity through which a historic property is associated with a particular past time and place.

Building. A resource, such as a house, created principally to shelter any form of human activity.

Criteria. The general standard by which the significance of a historic property is judged.

Cultural Resources Manager (CRM). The CRM is the senior Environmental Division staff member that meets qualifications as outlined by the *Secretary of the Interior's Professional Qualifications Standards (48 CFR 44738-9)* and designated by the Installation Commander. The CRM is the expert in cultural resources and the administrator of the Integrated Cultural Resources Management Plan (ICRMP) and this PA. The CRM acts on behalf of the Installation Commander to coordinate compliance with this PA.

Design. A quality of integrity applied to the elements that create the physical form, plan, space, structure, and style of a property.

Determination of eligibility. The process of ascertaining a property's eligibility for the National Register of Historic Places (NRHP). A property eligible for the NRHP but not actually listed or formally determined eligible by the Secretary of the Interior is afforded the same protection under Section 106 as a listed property.

District. A significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

Effect. An effect on a historic property may result when an undertaking alters characteristics of the property that may qualify the property for inclusion in the NRHP. For determining effect, alteration to features of a property's location, setting, or use may be relevant depending on a property's significant characteristics and should be considered.

Evaluation. Process by which the significance and integrity of a historic property are judged for eligibility for the NRHP.

Feeling. Quality of integrity through which a historic property evokes the aesthetic or historic sense of past time and place.

Ground-disturbing activities. Any action that disturbs soil either temporarily or permanently accomplished by any method including but not limited to hand or machine excavation, grading and removal of vegetation, rocks, or other ground cover.

Historic American Buildings Survey (HABS). Program administered by the National Park Service to record in detail historic buildings through architectural rendering, large format photography, and written documentation.

Historic American Engineering Record (HAER). Program administered by the National Park Service to record in detail historic structures through engineering drawings, large format photography, and written documentation.

Historic American Landscape Survey (HALS). Program administered by the National Park Service to record in detail historic landscapes through rendering, large format photography, and written documentation.

Historic context. An organizing structure for interpreting history that groups information about historic properties that share a common theme, common geographical location, and common time period. The development of historic contexts is a foundation for decisions about the planning, identification, evaluation, registration, and treatment of historic properties, based upon comparative significance.

Historic property. Any prehistoric or historic district, site, building, structure, object, or traditional cultural property included in, or eligible for inclusion in the NRHP. The term includes artifacts, records, and remains related to and located in such properties.

Historic resource. Historic resource is any real or personal property, record, or life way. These can be historic or prehistoric. Real properties include archeological and architectural places, monuments, planned landscapes, engineering features, or other properties that may meet the criteria for listing in the National Register of Historic Places. Personal properties include artifacts or relics, whereas examples of historic records are any historical, oral historical,

ethnographic, architectural, or other document or source reference that provides a record of the past.

Integrity. Authenticity of a property's historic identity, evidenced by the survival of physical characteristic(s) that existed during the property's historic or prehistoric period. Integrity consists of seven elements: location, design, setting, materials, workmanship, feeling, and association.

Interested parties/Stakeholders. Those individuals and organizations concerned with the effects of a particular undertaking on historic properties. May include, but not limited to SHPO, ACHP, Tribes, Preservation Groups, etc.

Keeper: National Park Service employee responsible for the National Register of Historic Places program.

Limited use areas (Green Zones). Maneuver areas where only roll-through is allowed.

Location. A quality of integrity retained by a historic property existing in the same place as it did during its period of significance.

Material. A quality of integrity applying to the physical elements that were combined or deposited in a particular pattern or configuration to form a historic property.

Mitigate. Reduce harm to historic properties.

National Register of Historic Places (NRHP). A list of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture.

Object: A construction primarily artistic in nature or relatively small in scale and simply constructed, such as a statue or milepost.

Period of significance. Span of time in which a property attained the significance for which it meets the NRHP.

Programmatic agreement (PA). An agreement document that records the terms and conditions agreed upon to resolve potential adverse effects, typically developed for a large or complex project or a class of undertakings that would otherwise require numerous individual requests for ACHP comments under the NHPA, Section 106.

Proponent. The organization with technical and administrative control over the execution of a project or training exercise; e.g., the DPW acts as the user's agent for construction activity and is the implementing organization for those projects.

Red Zones. Restricted areas on Fort Bliss in which no activity is allowed.

Section 106 process. A review process established under NHPA Section 106 of the National Historic Preservation Act and administered by the Advisory Council on Historic Preservation under its regulations. During this process, agencies afford the ACHP an opportunity to comment on any agency activity or undertaking that may affect historic properties, and must take such comments into account.

Section 110. The section of the NHPA that defines federal agencies' responsibilities to preserve and use historic buildings and to establish a program to identify, evaluate and nominate historic properties to the NRHP.

Setting. A quality of integrity applying to the physical environment of a historic property.

Site. Location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of the value of any existing structure.

State Historic Preservation Officer (SHPO). A position created under the NHPA. The SHPO is appointed by the governor and charged with the administration of the NHPA and to ensure that the state's interests are considered.

Structure. A functional construction made for purposes other than creating shelter, such as a bridge.

Traditional cultural property (TCP). Properties associated with the traditional cultural practices of a living community that (a) are rooted in that community's history or (b) are important in maintaining the continuing cultural identity of the community. TCP is the terminology used by the National Register of Historic Places program. Properties of Traditional Religious and Cultural, which is the legal terminology, is synonymous with TCP.

Undertaking. Undertaking means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license, or approval.

View shed. Areas under the direct or indirect jurisdiction of a federal agency that can be seen from historic properties, typically from the perimeter of a historic district or historic property.

Workmanship. A quality of integrity applying to the physical evidence of the crafts of a particular culture during any given period or prehistory.